MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The matter will be considered.

Statistics of Complaints against Officers.

43. **MR. TARIATU KUNJITOMMAN** (*Muvattupuzha* cum *Todupuzha*): Will the Government be pleased to place on the table a statement showing the number of complaints received from the people during the last four years against officers on Rs. 20 and above, the number of such complaints that were investigated, the number of persons punished, and the nature of the punishments in each case?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The Government are of opinion that the time and labour involved in the collection of the statistics required are out of all proportion to their utility.

DEMANDS FOR GRANTS.

PRESIDENT: We will now proceed with the voting of Demands for Grants.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir,—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I think my friend is out of order, until the Demand is made by somebody from the official bench.

DEMAND I—LAND REVENUE.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I rise to move for a grant not exceeding Rs. 8·60 lakhs under Demand I—Land Revenue.

Motion 1.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir, I beg to move the following motion:—

1. To reduce the allotment of Rs. 13,681 for Establishment by Rs. 480.

I make this motion for the reason that the Government's financial position is not very satisfactory and that a large amount of money is required by the Government for meeting the necessary expenses in the Development Departments and in the Education Department. For that reason, Government have to go in for detailed cuts in the expenditure under establishment. In the public service, economy has to be observed in detail; and if we make such cuts in all establishments, I am certain that more than a lakh of rupees can be saved thereby, and that that money can be utilised for raising the pay of the establishment in the Land Revenue Department, for example, the pay of the Accountants who are paid about Rs. 12. Similar cuts, if made in other departments, can be utilised for raising the pay of the teachers from Rs. 14 to Rs. 20 or so, as people with the same qualifications are given in other departments. So I press upon the Government the necessity

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. G. Raman Menon.]

to make a detailed examination of the establishment and to make cuts wherever possible. On this plea, I move that this reduction may be made especially as there are 37 clerks in the Land Revenue Commissioner's Office exclusive of the Income Tax Section.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): There are only 20 clerks in my office in the Revenue Section.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): At page 26—

MR. K. GEORGE (*Financial Secretary to Government*): I may correct the member; the number 37 includes menials.

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): The number 37 includes two mochis and 14 peons also. The number of clerks is only 20, including the Typists.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): I include typists also under clerks.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I may point out that, even if Mr. Raman Menon's motion is carried, I will have 37 *minus* 1 or 36 clerks in my establishment, whereas now I have only 20 clerks. (*Laughter*)

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): It seems to me, Sir, that it is desirable that all the heads of offices should try to do with a less number of people on their establishment. So, I move that the number of clerks, *viz.*, twenty, may be reduced by one.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I understand and appreciate the good intentions of the member. His idea is to save the taxpayer unnecessary expenditure, and to use that money on things more important to taxpayers themselves. I am a taxpayer myself, and I am very thankful for his good intentions. But his whole argument was that 36 clerks would be sufficient for my office, whereas actually I only have 20. The sanctioned strength of my office consists of 2 clerks on Rs. 75—100, 7 clerks on Rs. 40-70 and 9 clerks on Rs. 25-40 and 2 typists. Ever since I have been in charge of this Department, I have been paying particular attention to the work in my office. My office was reorganised in 1921. From that time, the correspondence and other work in my office have been steadily increasing. In fact, the Government seem to give the Revenue Department more work from other departments, and, at the same time, we are not given any extra staff or extra pay. Whether it is flood relief, or festivals in temples, or State guests, or collection of revenues for other departments, they all come to the Revenue Department and, as I have already said, we are not given any extra staff or even extra pay. The correspondence in my office has increased fourfold during the last four years, from the time when the Department was organised. The number of current files, which was 1,783 in 1921, rose to 4,554 in 1922, 4,656 in 1923 and 4,765 in 1924. Petitions started at 519 and they are now 1,927.

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The House will thus see that the work in my office has increased in correspondence alone fourfold without any proportionate increase in the staff. I know that my clerks have all to work long beyond office hours in order to cope with the work ; they have also to work on holidays. For the last two holidays they had been working half the day. There is a certain limit which has to be observed and it is said that the last straw breaks the camel's back. But with the Revenue Department, the last straw is already there. Any further reduction will simply mean that the work cannot go on.

There is another point which probably may not have been taken into consideration in this connection. But it is a point I should like the House to remember—that the Revenue Department has not got sufficient opportunity to provide for the unrepresented classes in it. At the time of the reorganisation, we found that there were many supernumeraries and it took us one and a half years to get rid of them. They were all caste Hindus. Since then, every time we begin to put in members belonging to these unrepresented communities, we have retrenchment and the consequence is that the hands which were entertained have to lose the appointments. Last year the Division Assistant's establishment at Peermade was abolished. Certain hands had, as a result, to be cut down and the last joined hands had to be thrown out. Of course, the last joined hands were of the unrepresented communities. If these cuts go on, the unrepresented communities can never hope to be properly represented in the Department. I should like that point also to be kept in view. The work has increased, and I think everybody knows that. We have work to do from every department and everything that happens comes to the Revenue Department, be it flood or anything else and there is no additional staff or any extra remuneration. So I hope the member will not press the motion.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : My object, as I said at first, is only to press upon Government the necessity for making reductions. As the Land Revenue Commissioner now says that further reduction will make it impossible for him to do the work properly, I should like to draw the attention of Government to the fact that all this work was at one time being done in the Huzur Office, and the Huzur Office also has now a number of hands in the Revenue Section. If these two offices, the Revenue Section in the Huzur Office and the Revenue Commissioner's Office, are examined and the work reorganised, I hope there will be a possibility for a reduction in either of these establishments ; or I may suggest that the Revenue Commissioner may be taken as the Revenue Minister and he might be put in in the Huzur Office itself. Making these suggestions, for the time being, I beg leave to withdraw the motion.

The motion was, by leave of the House, withdrawn.

Motion 2.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : As the plea of the Revenue Commissioner is that the Revenue Department is

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. G. Raman Menon.]

not overmanned in his own office, I think the same plea may be advanced for this also.

MR. K. GEORGE (*Financial Secretary to Government*): May I rise to a point of order? If the member proposes to withdraw the motion, can he make a speech?

PRESIDENT: This is a different motion.

MR. K. GEORGE (*Financial Secretary to Government*): If he is not making the motion, he cannot make a speech but simply say he does not move it.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): In this case also, I only press upon Government the necessity for examining all these in detail.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know from Mr. Raman Menon whether he is making the motion at all?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): I intend to withdraw the motion.

The following motion was accordingly not moved:

MR. G. RAMAN MENON:

2. To reduce the allotment of Rs. 55,044 under establishment by Rs. 1,920.

Motion 3.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to move the following:—

3. To omit the allotment of Rs. 924 for Temporary Establishment for sorting and listing records.

My motion is to omit the allotment of Rs. 924 for the Temporary Establishment for sorting and listing records in the Trivandrum Division Cutcherry.

I had not been able to understand why this peculiar treatment is accorded to the Trivandrum Division Cutcherry in this respect. It may be that the records are in a state of confusion owing to the negligence of persons who were bound to keep the records properly arranged. In that case, there is no justification to call upon this House to supply any amount to rectify the errors of a delinquent officer in the Division Cutcherry.

Further, my apprehension is that, if such favour is shown to the Trivandrum Division Cutcherry, encouraging thereby the delinquency on the part of some of the officers in that Cutcherry in allowing the records to get into confusion, every Division Cutcherry would claim the same sort of favourable treatment by allowing their records to fall into confusion. (*Laughter.*) That would be a bad precedent. I am only just supposing the various possibilities in this connection. What particular mishap has overtaken this Trivandrum Division Cutcherry is not rendered clear by anybody. Except where there is the operation of

LIBRARY ARCHIVES Kerala Legislative Assembly

vis major, I am not prepared to make any allowance in favour of the Division Cutcherry to rectify its errors or to remedy its negligence. Therefore, I would await the explanation of the Land Revenue Commissioner as to what necessitated this particular allotment this year; and then I shall see whether there is really a justification for this demand and discuss the question if need be. I, therefore, move that this item be omitted in this budget.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Sir, I feel rather sorry that the last motion was not moved. It would have given me a chance to show the House how over-worked the other offices in the Revenue Department are at present. In the present case, when the old Padmanabhapuram Division was abolished and amalgamated with the Trivandrum Division, we had to bring the old and current files to the Trivandrum Division office. They came in cart-loads and we had not time then to arrange them properly.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know when the Padmanabhapuram Division was abolished and amalgamated with the Trivandrum Division?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I think that was about two years ago. Then the records in the Trivandrum Division Office swelled to an enormous extent and a re-arrangement of the records was found absolutely necessary to facilitate the work in that office. The staff which was already there had a lot of work to do, such as matters in the temple and matters in connection with the flood relief and other troubles in Travancore in the last year. These have given the staff so much work that they had no time to go through the records and get them in order. The Dewan Peishkar has for a long time been asking for a temporary staff for the above purpose; and if these records are not properly arranged, it will not be possible to close the current correspondence correctly and the public will suffer. We want to get this arranged as soon as possible so that all current matters can be attended to. Further, if all papers are not made available, it may, at times, besides landing the responsible officers in difficulties, cause loss to the Government and to the public also. I do not think that any further explanation is required from me. I am sure Mr. Narayana Pillai will now see that it is absolutely necessary to allow this small sum of Rs. 924 applied for. It is only for two clerks and one peon for eleven months to get this enormous work done and arranged. I therefore hope that he will see the necessity of not going on with the cut.

MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): ഇതിനെസംബന്ധിച്ച ചിലവിവരങ്ങൾ എനിക്കു പറയേണ്ടതായിട്ടുണ്ട്. മി: പി. കെ. നാരായണപിള്ള പറഞ്ഞത് ഇതു മാനിരി എല്ലാ ഡിവിഷൻ കച്ചേരികൾക്കും വേണ്ട വണ്ണമുള്ളതാണെന്നും, അപ്പോഴൊക്കെ പണം അനുവദിക്കേണ്ട

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. Kumara Pillai.]

തായി വരുമെന്നാണ്. അതു വളരെ പരമാത്മാണ്. ഇപ്പോൾ ബഡ്ജറിൽ ചേത്തിരിക്കുന്ന സംഖ്യ പത്മനാഭപുരം ഡിവിഷൻകച്ചേരി റിക്കാർഡുകളെ ശരിപ്പെടുത്തിവയ്ക്കാൻ ആണ്. പത്മനാഭപുരം ഡിവിഷൻ കച്ചേരിറിക്കാർഡുകളെ സംബന്ധിച്ചു ഇവിടെയുള്ള മെമ്പറന്മാരക്കാൾ കൂടുതൽവിവരം എനിക്കുണ്ട്. പത്മനാഭപുരത്തുനിന്നും റിക്കാർഡുകളെ ഇങ്ങോട്ടു മാറിസൂക്ഷിച്ചിട്ടുള്ളതും ആ റിക്കാർഡുകളുടെ സ്ഥിതിയെന്താണെന്നും എനിക്കു നല്ലവണ്ണം അറിയാം. അന്നു ഞാൻ തന്നെ ഇതിനെ സംബന്ധിച്ചു അധികൃതന്മാരെ അറിയിക്കയും ചെയ്തിട്ടുണ്ട്. ഈ റിക്കാർഡുകൾ ഒരു മുറിയിൽ വാരിക്കൂട്ടിയിട്ടിരിക്കയായിരുന്നു. അതിൽ ഉപയോഗമുള്ള പലറിക്കാർഡുകളും പലരും ഉമിക്കരിയും ഭസ്മവും പൊതിഞ്ഞുകൊണ്ടുപോയിട്ടുണ്ട്. ജനങ്ങൾക്കു അത്യാവശ്യമായ പലറിക്കാർഡുകളും നശിച്ചു പോയിട്ടും ഉണ്ട്. ഇതെയും ഞാൻ പറയാനുള്ള കാരണം ഇന്നത്തെ ഭരണത്തിലുള്ള കാര്യക്ഷമതയെ വ്യക്തമായി കാണിക്കാനാണ്. ഓരോ അവസരങ്ങളിലും ശമ്പളം വർദ്ധിപ്പിക്കുമ്പോൾ പറയുന്നതു ഭരണത്തിന്റെ കാര്യക്ഷമതയെന്നാണ്. പത്മനാഭപുരം ഡിവിഷനിലുള്ള റിക്കാർഡുകളെ തിരുവനന്തപുരത്തു കൊണ്ടുവരുന്നതിനു തക്കതായ ഉദ്യോഗസ്ഥന്മാരില്ലാത്തതുകൊണ്ടു ഇതെയും തുക കൊടുക്കേണ്ടിവന്നു. അതിനുത്തരവാദികൾ ആരോ അവരിൽ നിന്നും ഈടാക്കുകയാണ് വേണ്ടതു്. പാവപ്പെട്ടവർ കൊടുക്കുന്ന പണം അന്യായമായി ചിലവാക്കുന്നതു് അക്രമമാണെന്നാണ് എനിക്കു തോന്നുന്നതു്. അതുകൊണ്ടു് ആ റിക്കാർഡുകൾ ഈ വിധത്തിൽ നശിക്കുന്നതിനു ഉത്തരവാദികളാരോ അവരിൽ നിന്നും പണം ഈടാക്കി അതിൽനിന്നും ഈ വകയ്ക്കു ചിലവുചെയ്യണമെന്നാണ് എന്റെ അഭിപ്രായം. അല്ലാതെ പൊതുജനങ്ങളുടെ പണം ചിലവാക്കുന്നതക്രമമാണ.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I must confess that I am not very much satisfied with the explanation offered by Mr. Robinson. But, since it is Mr. Robinson who makes the appeal, I may consider it in a more favourable light (*Laughter*). I have faith in Mr. Robinson as a sincere officer; and since he makes a pathetic appeal that, without this allotment of Rs. 924, it will be impossible to effect a systematic arrangement of the records, I am tempted to yield. Not because of the intrinsic merit of the explanation which, as my friend Mr. T. Kumara Pillai says, does not hold water, but because the officer who makes the appeal is an officer who can be relied upon. I yield for the time being and withdraw the motion.

The motion was, by leave of the House, withdrawn.

LIBRARY ARCHIVES Kerala Legislative Assembly

Motion 4.

The following motion was not moved :—

MR. C. P. KOCHUKUNJU PILLAI :

4. To reduce the allotment of Rs. 11,000 for travelling allowance of officers in Division Cutcherries by Rs. 100.

Motion 5.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I beg to move :—

5. *To reduce the allotment of Rs. 77,084 for Division Cutcherries by Rs. 100.*

Sir, the object of my motion is to bring to the notice of Government the necessity for taking up in earnest the question of separating the Magistracy from Revenue and also for abolishing the present system of *jamabandi* work. The question relating to the separation of the judiciary from the executive was very elaborately discussed in this House in Tulam 1099 and the principle of the resolution was accepted by Government, although they said that, in giving effect to it fully, there were certain practical difficulties. In regard to the sub-magistracy, it was stated that, except in five taluks, namely, Nedumangad, Pattanamtitta, Pattanapuram, Minachil and Todupuzha, the Tahsildars were not attending to magisterial functions. In regard to these five taluks, it was stated that the revenue work was not very heavy, that magisterial work too was not very heavy and therefore they had been asked to continue to exercise both the functions. When once the principle has been accepted, I do not see any reason why, even in regard to these taluks, the wholesome principle cannot be given effect to. It is stated that the revenue work is not very heavy. There is a very good means of saving and that is by abolishing the Assistant Tahsildars in these taluks, who, it would appear, were instituted to work down the arrears in regard to land revenue work. If the normal revenue work is not very much, there is no reason why saving could not be effected under the Assistant Tahsildars and thereby the separation of the magistracy from the revenue given effect to.

Going higher up in regard to the Magistracy, the Division Assistants who are now seven, besides the Peishkars, are exercising First Class Magistrate's powers. In regard to them, Government gave us an assurance that they do feel it necessary to detail some Division Assistants exclusively for revenue work and others for judicial work. It was stated so long ago as Tulam 1099; and in 1100 we find the Dewan in his Address to the Assembly saying :

> "The scheme of detailing some of the Division Assistants exclusively for revenue work and others for judicial, referred to in paragraph 13 of my address last year, is not yet ripe for the issue of final orders, but is engaging the earnest attention of the Government."

My contention is that Government should lose no time in giving effect to this policy which they have accepted, by relieving the Division Assistants from the magisterial function or the revenue

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. G. Paramesvaran Pillai.]

function as the case may be. If the Division Assistants are thus set free, it will then be possible to devote the Division Assistants entirely for revenue work, thus making it possible to do away with the present system of *jamabandi*, whereby the Division Assistants go about perhaps during the last quarter visiting *pakuthi* after *pakuthi* and thereby causing dislocation in their ordinary work. The revenue officers, I mean the Division Assistants, when they are once divested of their magisterial functions, will find it possible to tour about their districts more often and attend to purely revenue work more efficiently. It is therefore very necessary that the question should be taken up by Government immediately and final orders passed.

In regard to the District Magistrates, however, who along with their revenue functions now attend practically to the criminal work, their work is confined to certain appellate work as well as to taking action under the preventive Sections of the Criminal Procedure Code. It was stated that there was some difficulty in dissociating from them the functions that they exercise under the Criminal Procedure Code. It was then suggested by some of us on this side of the House that it would be possible to evolve a practical scheme whereby the separation can be effected. But that may require further consideration and investigation; and I wish the Government would deal with that subject as well in the near future.

So far as the Division Assistants are concerned, who are now mainly dealing with the first class cases, there need be no delay. Even in regard to District Magistrates, in the preventive work the objections obtaining elsewhere—in British India—need not in any way stand in the way of our giving effect to the policy. There are various considerations influencing that Government which do not apply to Travancore. It seems that the Collectors or the District Officers are also asked to perform the functions devolving upon the Magistrates under the Criminal Procedure Code, the preventive Sections especially. That matter was exhaustively dealt with and practical schemes were also suggested in this House. I do not wish, therefore, to cover the ground over again during this short space of ten minutes. I would only request the Government to take up the matter in earnest and see whether the present system of *jamabandi* cannot be dispensed with and to see that the revenue officers are performing their duties more efficiently, unhampered by magisterial work.

MR. K. K. THOMAS (*Kottayam*): Sir, I have also tabled a similar motion with a view to discuss the general question of separating the judicial and executive functions. But, as it has been so ably dealt with by my friend Mr. Paramesvaran Pillai, I shall confine myself to a very few remarks. The Government have, on several occasions, conceded the principle of separating the judiciary from the executive and they have been moving cautiously on the principle of *festina lente*. So early as 1811, during the days of Col. Munro, the first European Dewan, and of Her Highness Lakshmi Bai of revered memory, a complete separation

LIBRARY ARCHIVES Kerala Legislative Assembly

of judicial and revenue functions was effected and *Kariakars* were reduced to the position of mere revenue officers under the name of Tahsildars. I fear it was due to a slavish imitation of the system obtaining on the other side of the ghats, that we initiated the retrograde step of combining magisterial and revenue functions in the Tahsildar. The Government, admitting the soundness of this principle, have been making gradual advances in this direction. We have at present the Bench Magistrates and the Stationary Second Class Magistrates who are merely judicial officers. The vestiges of the system that still persist are a few Tahsildars, the Division Assistants and the Dewan Peishkar—District Magistrates. What the people want is that the Magistrates should be purely judicial officers and that they should never be in a position to be influenced by the smiles or frowns from the executive. Instances of Magistrates being degraded or their promotions barred happening synchronously with unfavourable reports from the Excise Commissioner, the Commissioner of Police and others to the executive head are not rare. In cases in which Government happen to be the prosecutor, it is not rare that justice is miscarried.

The evils of Magistrates being saddled with executive functions have been dealt with by the mover. When a case is posted for trial, some big personage may be paying a visit to the locality or it may be that the Magistrate has to go on circuit or inspection work. In such cases, the inconveniences to the clients and vakils are considerable. To avoid all these evils, a number of pure First Class Magistrates and District Magistrates may be appointed.

I should like also to make a few remarks about the appointments of the unrepresented communities in the Revenue Department. Mr. Robinson has been explaining the difficulty that he experienced in appointing the unrepresented classes. He said that the new vacancies that arise will have to be filled by some acting persons or by some other officers who are in the department. But it has been agitating the public mind that the unrepresented communities are not getting their fair share in these appointments in the Revenue Department. I should urge on the Government the necessity of correcting this mistake and of keeping the door open for those communities that are not yet adequately represented in this department. With these few words, I support Mr. Paramesvaran Pillai.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): As regards the separation of the Magistracy from the Revenue, the scheme is, I believe, under the consideration of Government. I have already made certain recommendations as regards the Division Assistants and they are being considered. The question of relieving the Tahsildars of Neduvangad and certain other places like Minachil will be taken up by Government as soon as possible. There are certain difficulties in the way. But I think we will probably be able to find a way out.

I see nothing very much has been said about the so-called *jamabandi* in Travancore. In Travancore, this is really a misnomer. Here,

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. C. H. Robinson.]

jamabandi is not the same as in British India. In British India, the main attention is directed towards the preparation and maintenance of certain village and taluk accounts in revenue and in other miscellaneous matters, while in Travancore it is confined solely to the verification of the accounts already kept, in the villages. It is really a detailed inspection. The reason why I would advocate that the *jamabandi* should not be abolished is that, in the olden days, each officer conducted his inspection of the taluk in a different way and some of the accounts were not looked into. As regards the system of what we call the *janabandi* checking, there are a lot of important questions to be answered and all these points have to be gone into. Now we are thus having better inspections and the work is getting more up-to-date. It was the custom in the olden days for a case to take many years to be disposed of. I have known of a case which took more than ten years to be disposed of. But under the new system the applications are disposed of much faster. I would therefore urge that what we call the *jamabandi* be continued.

I also note that Mr. K. K. Thomas said that more and more persons belonging to the unrepresented communities should be entertained in the department. I have already explained the difficulty in regard to this. Unless the people in the department die or retire or unless there were no more retrenchments, it would be most difficult to entertain all these communities. Having regard to the points just mentioned by me, I would ask the member not to press the motion. Moreover, Rs. 200 or Rs. 300 will be very acceptable to us towards the end of the year when we will have to meet some expenses.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): We have known for a long time that the scheme for separation of the Magistracy is under contemplation but we have not seen the end of it. We would very much like the Government to give out their scheme without further delay. I would also request the House to re-examine the necessity for the continuance of the *janabandi*. With these observations, I withdraw the motion.

PRESIDENT: May I take it that the House allows the motion to be withdrawn?

The motion was, by leave, withdrawn.

Motions 6 and 7.

The following motions were not moved:—

MR. K. K. THOMAS:

6. To reduce the allotment of Rs. 77,084 for Division Cutcherries by Rs. 100.

MR. C. P. TARAKAN:

7. To reduce the allotment of Rs. 77,084 for Division Cutcherries by Rs. 100.

Motion 8.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): I beg to move the following motion :—

LIBRARY ARCHIVES Kerala Legislative Assembly

8. To reduce the allotment of Rs. 68,688 for Establishment by Rs. 7,200.

In the case of the Taluk Cutcherries, it is said that the Tahsildars have not enough of work to do now, and some of them are also saying that they are able to do Magisterial work also. So, it seems to me that it will be desirable to reduce their clerks at least by one in each of the Taluk Cutcherries. There are on the average seven clerks in each Cutcherry, including the Head Accountant and the Head Clerk. I hope they can do with six. For this reason, I move that the allotment for the establishment of Taluk Cutcherries be reduced by Rs. 7,200.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Sir, the amount of Rs. 68,688 provided in the Budget under this item represents the pay of the staff in the whole State.

59 clerks on Rs. 25 - 40.
160 clerks on Rs. 20 - 30.
5 copyists on Rs. 15.
2 *nottams* on Rs. 17.

This represents the total number of clerks in the 30 Taluk Cutcherries taken together. The staff for each office was fixed with due regard to the actual requirements at the time of the reorganisation. A long time has not elapsed since the reorganisation of this department. Subsequent to the reorganisation, the Dewan Peishkars have been continually applying for more hands in certain of the very heavy taluks where the work suffered for want of hands. We sometimes attempted to transfer hands from offices where the work was not too heavy to offices where the work was very heavy. This did not meet with success. Then, owing to the abolition of the Division Assistant's office at Peermade, the Tahsildar of Peermade has been saddled with additional work, and Government are now being asked to let them have two more clerks and two copyists to cope with the work. It is not unknown to the House that the work of a Tahsildar is rather heavy and difficult and delays are not uncommon. What I find in most of the offices is that the staff is not really adequate for the amount of work that it has to turn out. The clerks have no time to attend even to revenue matters proper. But still they have to attend to all the ceremonies that go on in the temples although the Devaswom Department has been separated. I may say durnig the last *Tirumasom* ceremony in the temple at Trivandrum, practically all revenue work was at a stand still. I went on inspection to the taluk of Neduvanad during the ceremony time and I had very great difficulty in inspecting the office as the staff were all engaged with the *Tirumasom* ceremony. It is much the same case with most of the other offices. When State guests arrive, the clerks have to attend to their accommodation, food, etc. If it is the collection of revenue for other departments, there again the clerks of the Revenue Department have to attend to it. Unless we get extra hands, it is very difficult to pull on. For instance, in regard to the flood relief, Taluk officers were absolutely over-worked. In all activities, the

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. C. H. Robinson.]

Revenue Department has a share. This is increasing day by day, as everybody knows. Unless they have sufficient staff to cope with this additional volume of work, the work will get into arrears. I therefore ask the member not to press the motion. I am quite sure that those members of the House who know anything about the Taluk offices will say that the Taluk offices are under-staffed.

In the case of Tahsildars, they do Magisterial work, not because they have insufficient work but, as the system is cheap. A lot of other work is also given to them. I hope, under these circumstances, the member will withdraw the motion.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): I beg leave to withdraw the motion.

The motion was, by leave, withdrawn.

Motion 9.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): I beg to move the following motion:

9. To omit the allotment of Rs. 6,374 for the pay of the menials in markets, under improvement of markets.

ഈ ശ്രേപയുടെചിലവു ചന്തകളും ചിലകടകളും ശ്രേചിയാക്കി വയ്ക്കാനാണ് ഉപയോഗിക്കുന്നതെങ്കിൽ അതിലേക്കതാവശ്യമില്ലെന്നാണ് എനിക്കു തോന്നുന്നതു. കൺടാക്ട് കൊടുക്കുമ്പോൾ അവരെകൊണ്ടു് എഴുതി വയ്പിക്കുന്നതിൽ ചന്തകൾ വൃത്തിയാക്കി വയ്ക്കണം എന്നു കൂടി എഴുതിവയ്പിച്ചാൽമതി. അല്ലാതെപണം ചിലവാക്കുന്നതായാൽ ഇപ്പോൾ ചില മുൻസിപ്പാലിറ്റിക്കു വന്നിരിക്കുന്ന ദോഷം ഇതിനും വന്നു ചേരും. അതായതു, പൊതുജനങ്ങളോടു പണം വാങ്ങിച്ചിട്ടു അങ്ങോട്ടു ഒന്നും ചെയ്യാൻ സാധിക്കയില്ല. കുറെ ശമ്പളക്കാർക്കു മുൻസിപ്പാലിറ്റിയിൽ നിന്നും ശമ്പളംമാത്രം കൊടുക്കുന്നു. അതുപോലെ ഈ ചന്തകളുടെ സ്ഥിതിയും വന്നു ചേരും. ഈ സർക്കാർ ചന്തകളിലെല്ലാം ഓരോ ആളിനെ നിയമിക്കുന്നതായാൽ അതിലുള്ള ഭൂരിപക്ഷം പണവും ഇതിലേക്കു ചിലവാക്കേണ്ടിവരും. അതുകൊണ്ടു ഈ പണം ചിലവാക്കുന്നതു് ദുർവ്യയമാണെന്നാണ് എന്റെ അഭിപ്രായം.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Sir, the amount we have asked for is to keep the several markets of the State in a sanitary and clean condition. The market is a place that we should at all costs keep sanitary and clean. The working of the Markets Regulation is only in its initial stage; and I think,

LIBRARY ARCHIVES Kerala Legislative Assembly

until all the markets are placed on a satisfactory footing, the House should not grudge spending a small portion of the receipts we get out of the markets for their improvement. We get a substantial revenue from the markets, and I only ask for a small amount towards keeping them in a clean and sanitary condition.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Who is going to supervise these menials in markets?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): The Tahsildar.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Tahsildars to supervise the menial staff!

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I do not suggest the introduction of any big schemes because I do not know the amount that we are likely to get. As Mr. T. Kumara Pillai suggests, we might achieve the same object in having a clause in the contract to the effect that the lessee should keep the markets clean. I have not studied that point yet, and we are all thankful for any suggestions that may be made; and I will do what can be done in the matter.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): On the motion brought forward by my friend, I have to say a word or two. I have been a Dewan Peishkar myself for some years, and I know the actual working of these markets. These markets are under the control and supervision of the Tahsildars. The markets fall into two classes, namely public markets and private markets. The menials are appointed only for the public markets. Under the law, the duty of maintaining these markets in a clean and sanitary condition devolves upon the Government, and therefore I do not think it would be quite proper to entrust the duty of attending to the sanitation of the markets to the lessees.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know from the Chief Secretary the amount spent on markets by way of remunerating menials last year?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): I am unable to give the exact amount now.

These menials are appointed not only for cleaning the markets but also for cleaning latrines, etc.

MR. T. KUMARA PILLAI (*Kaikulam* cum *Vilavankod*): ലാറ്ററിയി ന്മാമറും ഉള്ളതായി വല്ല ചന്തകളും തിരുവിതാംകൂറിലുണ്ടോ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Yes. There is a market in Chengannur.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether there is anything in the Regulation preventing the lessees being asked to attend to the sanitation of markets?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): It is a question for consideration whether it would be perfectly legal to throw the responsibility on the lessees.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Are the markets being conducted by Government or lessees?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Government engage these lessees for collection and Tahsildars supervise and control the market. Rule 27 of the Markets Rules says :—

> "Arrangements shall be made by the Government for an ample supply of clean water for drinking and washing, adequate latrine accommodation and proper drainage in the markets ; and all floors on which goods are handled or are exposed for sale should be cemented and perfectly smooth."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is there any provision in the contract that Government should undertake the work of sanitation ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): No.

MR. V. SUBBA AIYAR (*Nominated, Deputy President*): May I take it from the Chief Secretary that the object of leasing out these markets is only to collect dues?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The lease is given to the highest bidder.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I suppose there are contractors who come forward and bid. Then they collect tolls and the dues. Perhaps they also make a profit at times.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): They may or they may not.

MR. K. K. THOMAS (*Kottayam*): Does this apply to markets within municipal limits also ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The Regulation does not apply to markets within municipal limits.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): ഒരംശം പ്രകാരം ചന്തകം നന്നാക്കിയതിന ശേഷമല്ലേ മീനിയൽസിനെ ഏർപ്പെടുത്തുന്നത്?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Yes.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): ആറായിരംരൂ പാചിലവിന നിശ്ചയിച്ചിട്ടുള്ളതു എത്ര ചന്തകൾക്കാണ്?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): There were 141 public markets towards the close of 1099. The number must have increased since.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): ആ ചന്തകളിൽ വല്ല വേലകളും ചെയ്തിട്ടുണ്ടോ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Sanitation and cleanliness have to be attended to before other improvements of a subsidiary nature are effected.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): ഈ റഗുലേഷൻ എപ്പോഴാണ് നടപ്പിൽവന്നതു്?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The Rules came into existence only a couple of years ago.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): റഗുലേഷൻ മാത്രം കൊണ്ടാണൊ ഇതുവരെ നടന്നതു്?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The Regulation came into actual operation only after the issue of the Rules.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): മാക്കറ്റ്സ് റഗുലേഷൻ പാസ്സായ ഉടനെ അതു നടപ്പിൽ വരുത്തിയില്ലേ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The Regulation did not come into operation. It is only after the Rules have been framed that the law began to be applied.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): റൂൾസ് ഉണ്ടാക്കിയതു മുതലേ റഗുലേഷൻ പ്രവൃത്തിയിൽ വന്നിട്ടുള്ളൂ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Yes. And therefore, Sir, this provision is absolutely necessary in the interests of the sanitation of the markets and also in the interests of the well-being of the people. So, I oppose the motion.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I have great pleasure in supporting the motion. My reasons are briefly as follows. It has been admitted on the side of the Government that Government occupy the position of lessor and the contractors that of lessees. I asked what would be the terms of such a contract, and the learned Chief Secretary was good enough to tell us that there is no express provision as to who should bear the burden of keeping these markets in a proper condition. Now, the ordinary law of lessor and lessee contemplates that the lessee is bound to keep his premises in proper condition. There being nothing in the contract between the Government and the various lessees in this particular matter which shifts the onus of keeping the markets in proper sanitary condition to the shoulders of Government, I fail to understand why Government objects to make proper arrangements with the lessee.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): I just wish to point out to my learned friend that I read out the rule which fixes the responsibility on the Government; and when there is an express rule, there is no necessity for importing a condition into the agreement.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In the case of a market directly under the control of the Government, I can understand the full force of the argument. But when once the Government grant a lease in favour of a stranger, I fail to understand why the Government should construe the rule so as to lay the burden upon the shoulders of the Government. Sir, I can understand the ordinary provision. All of us are practically taking lands on *pandarapattam* tenure from the Government. Does it any way import any liability on the Government that Government must keep these lands in a clean and sanitary condition? *Pandarapattam* tenure is *pandarapattam* lease. I am quite sure that the learned Chief Secretary would be the last man to say that it casts any liability on the Government to keep the premises clean.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): There is one difference My friend says that there is no express rule of law casting the responsibility on the party. Here there is an express provision of the law.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is not the lessee bound under the Regulation to carry out all orders issued by the Dewan Peishkar?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Section 6 of the Markets Regulation says:—

> "The lessee or farmer and all persons employed by him in the management and collection of stallages, rents and fees referred to under sub-section (2) of the last foregoing Section shall in respect thereof
>
> (a) be bound by any orders made by the Division Peishkar for their guidance;
>
> (b) have such powers exercisable by officers of Our Government under this Regulation as Our Government may from time to time confer upon them; and
>
> (c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by Our Government for the management and collection of the said stallages, rents and fees."

It therefore only requires that the Dewan Peishkar should be good enough to issue the necessary orders to keep the markets in proper condition and nothing more is needed. Why should the Government indulge the idea that they should keep these markets clean?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): May I just point out that the orders issued by the Dewan Peishkar should be consistent with the law?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Certainly they must be. The rule which the learned Chief Secretary read out only means this; it is primarily the duty of Government to keep the markets clean.

LIBRARY ARCHIVES Kerala Legislative Assembly

Even without this rule, as custodians of public safety and welfare, Government would be bound to keep all these markets clean. Otherwise, the filth would accumulate and it would be a nuisance. That I can understand. It is very good law to say that they will keep all these things clean.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Government do not part with the property. They only part with their right to collect the tolls.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It is the duty of the lessee to see that the premises are kept clean. After once parting with the markets by way of leases in favour of strangers, Government's interest concerns itself only with the collection of the dues from the lessees. It is therefore the interest of the lessees to see that the markets are kept clean. The numerous vendors and purchasers would be attracted to the markets by keeping them in very good sanitary condition and the contractors may proceed so far as to make them sanatoria. All that is the look-out of the contractors. Why the Government feel so very anxious on behalf of the contractors of the markets is a question which deserves further elucidation, as the discussion stands at present. Government do not undertake any such responsibility with respect to the various other contractors under Government. Would the Government undertake the sanitation of all the ferries in Travancore? They would not. Do they undertake the sanitation of the toll gates? They do not.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know whether it is the markets that are leased out or only the right to collect the tolls?

PRESIDENT: It is only the right to collect tolls that is leased out.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The leasing of markets means the leasing of the right to collect dues. (*Laughter.*)

PRESIDENT: Government have certain rights and certain duties. They farm out their rights, *viz.*, the collection of fees. The duties still remain with them *viz.*, to keep the markets clean and in a sanitary condition, because Government can never be sure that the duties imposed by the Regulation will be effectively carried out by the lessees.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I quite understand the sharp distinction drawn by the Law Member, while interrupting me during the course of the discussion. This is the point that he has been attempting to make out. He says that it is only the *right* to collect the tolls that is leased out. Well, I say, along with that right which is leased out there is also the corresponding duty, to keep the markets clean, cast upon contractors,

PRESIDENT: Not necessarily.

MR. P. K NARAYANA PILLAI (*Ambalapuzha*): All rights are generally balanced by counterpoising duties.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. GEORGE (*Financial Secretary to Government*) : May I point out that the counterpoising duty, on the part of the lessee who takes a lease of the right to collect the tolls, is his liability to pay a certain amount to Government?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : That is an obligation which exists in the case of all leases. Suppose it is a regular lease of some premises or land or tenement. In all these cases, the lessee is under an obligation to pay a certain amount to the lessor, even when there is absolutely nothing like a stipulation with respect to the keeping of the premises or lands leased out in a sanitary condition. Still, ordinarily in the case of all leases, it is the lessee that is under an obligation to keep the premises leased out in proper sanitary condition.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : Are the lessees of these markets allowed to have the usufruct of the trees in the market premises?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : That would depend upon the nature of the contract entered into with the parties.

What I was pointing out is that, in ordinary cases of leases of premises, there may be no mention except with respect to the payment of the rent by the lessee to the lessor. Still the duty devolves on the lessee to keep the premises in proper sanitary condition.

PRESIDENT : Not necessarily.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : I may, in this connection, quote Redman on '*Landlord and Tenant*' where he expressly makes the observation that, in the absence of a contract to the contrary, it is the duty of the lessee to keep the premises leased out in proper repair.

MR. W. H. PITT (*Commissioner of Police*) : May I ask Mr. P. K. Narayana Pillai whether the toll gate contractors, being also lessees, are responsible for maintaining the roads in proper condition? (*Laughter.*)

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : In that case, the contractor has to keep the toll gates in proper order.

PRESIDENT: In the case of the markets also, the lessee has to keep the machinery necessary for the collection of the fees in proper order.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : The Government stipulate in the lease, 'I lease out in your favour my right to collect the dues from the market'. The corresponding duty attaching to that particular right is to see that all that is necessary for continuing the exercise of that particular right is looked after by the contractor. Nothing like a stipulation, throwing the burden of keeping the markets clean on Government, exists in the present contract. That being the case, without amending the contract itself, I think the duty of keeping the markets in a sanitary condition lies on the lessee.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : May I ask the member whether the lessees of the abkari farms are liable to keep the farms in order ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : It does not appear parallel because the abkari farming pervades practically the whole of Travancore. That is not the case with the markets. That is my view of the whole question.

MR. K. K. THOMAS (*Kottayam*) : Will the Chief Secretary be pleased to say—

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : I think, Sir, the member is out of order, as the Chief Secretary is not in possession of the House.

I think, I may say a word in connection with Mr. P. K. Narayana Pillai's position. I must congratulate him on his unconvincibility—if I may say so—by the arguments raised against him and also on his trying to plead the case that he was advocating so vigorously. I do not think we need go in for too much of law in this matter. Because all that the Section in the Markets Regulation distinctly says is that it is only a farming of the fees, stallage or rent of the market that is contemplated under the Regulation and not a transfer of possession or title to the land. There is one other aspect of the question that has to be taken into consideration. Government have declared in the rule that has been quoted by the Chief Secretary, that they undertake to see to the proper sanitary condition of the markets that they lease out. Subject to that understanding, the markets have been farmed. Therefore, when a person bids the lease of a market in an auction, he takes it that Government undertake the expenditure necessary for keeping the market in a sanitary condition. If he had been told that Government would not undertake that expenditure, he will bid it for a smaller amount. The contractor will now come forward and say, 'I agreed to pay this amount as rent because I was made to understand at the time I accepted the lease that I need spend only for the collection of the dues and not for anything else. If I had known that I would have to spend for cleaning the premises also, I would not have bid for such a high amount'.

MR. P. K. NARAYANA PILLAI (*Amlalapuzha*) : May I know from Mr. Subba Aiyar whether the market contractor has a right to eject persons from the market ?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : No. There is a Section in the Regulation, I believe, which says that the absolute control vests in the Peishkar. The Peishkar can, however, empower any farmer or lessee with any of the powers vested in him or his subordinates. If the power is not vested in the farmer or lessee, he will not have the power, and, subject to such vesting by the Peishkar, the farmer or lessee will not have any power.

Having taken in auction on condition that the Government would undertake to keep the market in a sanitary condition, if we now say that the lessee must bear that expenditure, it is certainly open to him now

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[Mr. V. Subba Aiyar.]

to say that Government must re-auction it, or that the pay of these menials should be deducted from the rent that the lessee is bound to pay. My argument is that it is only the collection of rents that has been leased out in favour of the farmer, and it is on that distinct understanding that he has accepted the lease. Therefore, if you want to impose any further liability, it is open to him to turn round and say that he is not bound to keep the markets in sanitary condition and that Government have undertaken to discharge that duty.

As regards the ordinary presumption in the law relating to 'Landlord and Tenant', it is not a matter for consideration at all in this case because, as my friend himself admitted, there is a presumption that the lessee should keep the premises clean, *only in the absence of a contract to the contrary*. In the present instance, the provision to the contrary is the rule quoted by the Chief Secretary, under the Markets Regulation which says that Government *should* undertake the liability of keeping the markets in a sanitary condition. This is a distinct and express contract to the contrary. Therefore, the ordinary presumption in 'landlord and tenant' suggested by Mr. P. K. Narayana Pillai does not apply to this case.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): May I know from Mr. Subba Aiyar whether all the lessees of the markets are entitled to put up fences round the markets ?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : Yes; they do so for the purpose of ensuring proper collection and just to see that people do not get into the market or go out of it without paying.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : May I know whether the notification for auction sale and the terms of the contract could not be modified ?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : For the future, if you modify the rules or the terms of the contract so as to throw the cost of cleaning the markets on the lessees, certainly the rent for which the markets are leased at present will go down. I suppose it is simply a question of arithmetic.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : Can we not try that ?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : It appears to me, Sir, that the only question about which there is any difference of opinion now is with regard to the agency to be employed for the cleaning of these markets. The question is whether the Sirkar itself should do it through their agents or whether the contractors should be asked to do it. The rights and obligations between lessor and lessee appear to me to be not quite applicable in the present instance, not because of any principle involved regarding the relationship between lessor and lessee but on grounds of expediency. It is certainly agreed on all hands that all markets, especially public markets, should be kept scrupulously clean.

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The question is which is the more practical course, to ask the contractor to do it, the Tahsildar having something like an indirect check or control over the contractor, or to make the Tahsildar primarily responsible for the improvement of the market. I should consider the latter course to be eminently desirable from the view-point of the public. It is certainly not possible for us to take the Tahsildar to task for not asking the contractor to keep the market clean. On the other hand, if we make the Tahsildar primarily responsible for the work, we can take him to task for any dereliction of duty. So, in the interests of the public, I should consider, especially in the light of the fact that Government are deriving a very large profit out of these markets, that it is absolutely necessary that the Tahsildars are made primarily responsible for this work. In view of the very large receipts that Government get from the markets, I should certainly think it desirable and expedient that Government should, through the Tahsildars, undertake this primary duty so that at least this is not delegated to any other functionary. I should therefore think it desirable that some more money is allotted towards the improvement of markets. But, in this connection, I should certainly bring to the notice of Government one fact, and perhaps it is that one fact which induced the learned mover to propose this cut *viz.*, that these markets are not cleaned at all. As it is, there is nobody who is responsible for the improvement of these markets. It is certainly a very strange thing to hear from the Chief Secretary to Government, who was Dewan Peishkar, Quilon, that, throughout the Quilon Division, there is only one market with privy and urinal arrangements. It is certainly very discouraging. That exactly shows where we are. It is perhaps to bring to the notice of Government the urgent necessity for keeping these markets clean and for improving their condition that my friend Mr. Kumara Pillai brought forward this motion. That is what I should think. In these circumstances, it is necessary that Government take this matter into their serious consideration and see that their own local officers are screwed up and made to improve the condition of these markets at a very early date.

MR. N. V. JOSEPH (*Parur*): I think the question is with regard to the better management of these markets. My view is that it is better to lease out these markets if there are people to bid. So far as the question of cleaning the markets is concerned, it does not make any difference at all whether the cleaning is done by the Government or by the contractor. As some of my friends have suggested, if the cleaning is entrusted to contractors, they will only bid for a smaller amount. So much of the income will be lost to Government. But the question that is important is the better management of the markets. My friend Mr. G. Parameswaran Pillai suggested that it would be better if the Tahsildar, through the menials, undertakes the cleaning of these markets. He told us now--if I am not mistaken—that the Tahsildar is even now responsible for the work and that the markets are not being properly cleaned. But if the lessee is entrusted with this duty, I think it would be better managed because the lessee has more interest in the proper

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[Mr. N. V. Joseph.]

maintenance of the market than the Tahsildar himself. Because if he wants more people to make use of his market, it is his look-out to see that the market is kept clean. Even at present, the Tahsildar is burdened with many duties. He is far away from the markets and it would not be possible for him to supervise the work of the menials. But there is another difficulty. If there is nobody to undertake the lease of these markets on the conditions that we propose, then the Tahsildar himself will have to do the work of collecting the tolls from the various markets and he will also have to spend some money for cleaning the market. What I say is that, if we refuse to allot any amount for the cleaning of these markets, probably no bidder may come forward. Therefore I say, if there are bidders to come forward and bid, the duty may be entrusted to them by a specific term in the contract to be entered into with them. If there are no bidders, the Tahsildar himself will have to collect the dues and also to clean the market.

MR. K. K. THOMAS (*Kottayam*): As Mr. G. Paramesvaran Pillai put it, the question is mainly with regard to the agency that should do the work of cleaning the market.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is there not also the question of making an allotment for the purpose?

MR. K. K. THOMAS (*Kottayam*): I say the main question is 'who should do it?' We are at the close of the year. I wanted to elicit the information from the Chief Secretary as to whether the leases have already been entered into and, if so, for how many years. If we have already entered into the contracts, I do not think we can ask the contractors to clean the markets for us. On the other hand, if the leases have not been given already, then it would be open for us to consider whether our agency would be better or whether the contractors would be better. I have had some experience about this question of cleaning the markets. My experience has always been that, unless we employ our own agency, the cleaning of markets would not be done properly by the contractor. While I was in charge of the Kottayam Municipality, I have always found that the contractors generally failed to do the duties satisfactorily, especially at the time when there is rush in the markets. I therefore think that the Tahsildar should be entrusted with this duty.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether, in Kottayam, the contractors clean any of the markets?

MR. K. K. THOMAS (*Kottayam*): They clean the markets in some places such as stables and cart-stands.

MR. N. V. JOSEPH (*Parur*): What would be the distance from the Kottayam Municipal office to the public market?

MR. K. K. THOMAS (*Kottayam*): About half a mile. Unless there is a cleaning agency, I think it will be better if the Tahsildars are entrusted with the work.

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Will not the contractors be at liberty to bring or keep dirt inside the market in spite of the cleaning by the Tahsildar?

MR. K. K. THOMAS (*Kottayam*): There are some conditions under which leases are granted. If the leases have already been granted, I think we are unnecessarily wasting time. So I should like to know from the Chief Secretary or from the Commissioner when the leases were granted. The question of the agency that should be entrusted with the work of cleaning the markets arises only if leases have not been given. Personally, I think that the Government officers will be the proper agency.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): If the object of Mr. Kumara Pillai in bringing the motion is primarily to bring to the notice of Government the necessity for keeping the markets clean, I fully agree with him. It is a matter of common knowledge that markets are not at present properly kept and that people are really suffering. But if Mr. Kumara Pillai says that the responsibility of cleaning these markets should be thrown on the lessees, I beg to differ from him. Because, as matters stand at present, Government have undertaken the responsibility of cleaning the markets. They have leased out only the right to collect the dues. The lessee is therefore not in any way obliged to keep the markets clean. In the light of that fact, I would suggest that Government should primarily be responsible for the cleaning of these markets. Ordinary principles of lessor and lessee do not apply in this case.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Of the two agencies *viz.*, the contractors and the Government, which is cheaper?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): It is not a question of cheapness. It is a question of principle.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the member has come across cases in which contractors put up temporary sheds for the convenience of the people who enter the market?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): I am not aware of that. I am speaking on the principle underlying the question. On principle, it is only the right of collection that has been leased out, and under such circumstances the lessees cannot be forced to clean the market. The whole responsibility to look after this business lies with the Government. With these observations, I submit that the motion be withdrawn and that no time be wasted for discussing this point.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The member is out of order in referring to the discussion as wastage of time.

MR. C. P. TARAKAN (*Kunnatnad*): ഈ ഡോഷൻ ഇപ്പോൾ തന്നെ വോട്ടിനിടണമെന്നു ഞാൻ അഭിപ്രായപ്പെടുന്നു.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I second it.

The motion for closure was carried.

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MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*). ചന്തക്കുടിവരുന്നസ്ഥലങ്ങളെ ശുചിയാക്കികൊടുക്കേണ്ടചുമതല രൂംസിനാൽ ഗവർണ്മെൻറിൻെറ കടമയിൽ വച്ചിരിക്കുന്നു. ഇങ്ങിനെയൊരു രൂം ഏർപ്പെടുത്തിയുണ്ടാക്കുമ്പോൾ ഇപ്പോൾ എങ്ങനെ നടന്നുവരുന്നു എന്നുകൂടി അന്വേഷിച്ചിട്ടുവേണ്ടതായിരുന്നു. രൂംസിൽ ഇങ്ങിനെ വ്യവസ്ഥചെയ്തിട്ടുള്ളതും, അനുഭവത്തിൽ ഇപ്പോൾ നടന്നുവരുന്നതും എനിക്കറിയാവുന്നതുകൊണ്ടാണു ഇങ്ങനെയൊരു മോഷൻ കൊണ്ടുവരുവാൻ ഇടയായിട്ടുള്ളത്. കഴിഞ്ഞയാണ്ടിൽ ഇങ്ങിനെയൊരു തുക മീനിയൽസിനു വേണ്ടി ചിലവാക്കീട്ടുണ്ടെന്നുള്ളതുതന്നെ ചീഫ് സിക്രട്ടറി പറഞ്ഞതിൽ പിന്നീട്ട് മാത്രമെ എനിക്കറിയാനിടയായുള്ളൂ. ഓരോ ചന്തകളിലും ഇപ്പോൾ മീനിയൽസു നടത്തിപ്പോരുന്ന ശുചീകരണജോലികളും അതിലേക്കു അവക്കു ശമ്പളം കൊടുത്തുവരുന്ന സംപ്രദായങ്ങളും അറിയുന്നതായാൽ പൊതുജനങ്ങളിൽ ചന്തക്കരം പിരിച്ചുവരുന്നപണത്തിൽ നിന്നും ഇതിലേയ്ക്കു ചിലവാക്കേണ്ട ആവശ്യമില്ലെന്നു ബോധ്യപ്പെടുന്നതാണു. മീനിയൽസിനുവേണ്ടി നിശ്ചയിച്ചിട്ടുള്ള തുക മുഴുവനും ശരിയായവിധം ചിലവാക്കുന്നതിനും, ശുചീകരണം തൃപ്തികരമായി നടത്തുന്നതിനും സ്ഥലം തഹശീൽദാരന്മാരെ ചുമതലപ്പെടുത്താമെന്നൊരു വാദം പറഞ്ഞുകാണുന്നു. ഈജോലിക്കാരെക്കൊണ്ടു തൃപ്തികരമായി നടത്താൻ സാധിക്കുന്നതല്ല. തഹശീൽദാരുടെ തലസ്ഥാനത്തു നിന്നും ഒരുചന്ത നാലുമൈൽദൂരത്തായിരിക്കും. മറെറാന്നു പത്തുമൈൽ ദൂരത്തായിരിക്കും. വേറൊന്നു അതിലും കൂടുതലായ ദൂരത്തായിരിക്കും. ഇങ്ങിനെസ്ഥിതിചെയ്യുന്ന ചന്തകളുടെ ശുചീകരണജോലി ശരിയായി നടത്താൻ തഹശീൽദാരന്മാരുടെ ബാഹുല്യകൃത്യങ്ങളിൽ ഒരിക്കലും സാധിക്കുന്നതല്ലാ.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): ഈ സ്ഥിതിയ്ക്കു കൂടുതൽ അസിസ്റ്റൻറ് തഹശീൽദാരന്മാരുടെ നിയമനത്തിനു കാരണമാകുകയില്ലയോ? റവന്യൂസംബന്ധമായ ജോലിയ്ക്കു പുറമേ ഈ ജോലിയ്ക്കുകൂടി കൂടുതൽ അസിസ്റ്റൻറ് തഹശീൽദാരന്മാരെ ആവശ്യപ്പെടുകയില്ലേ?

MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): ഈ സ്ഥിതിയിൽ കൂടുതൽ അസിസ്റ്റൻറ് തഹശീൽദാരന്മാരെ ആവശ്യപ്പെടുകതന്നെചെയ്യും. കാലക്രമം കൊണ്ടു അവരെ കൊണ്ടുതന്നെ തൃപ്തിപ്പെടുമോ എന്നുകൂടി എനിക്കു സംശയം തോന്നുന്നു. ഇതുകൊണ്ടൊന്നിനും ഇടയാക്കാതേയും പൊതുജനങ്ങളുടെ പണം ദുർവ്യയംചെയ്യാതെയും ഇന്നത്തെ നടപ്പിനും കാര്യസാദ്ധ്യത്തിനും അനുരൂപമായവ്യവസ്ഥ രൂംസിനേ

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ഭേദപ്പെട്ടുത്തുന്നതിൽ വിഷമമില്ലാത്തതാണു. ആഴ്ചയിൽ ഒന്നോ രണ്ടോ ദിവസങ്ങളിലാണ് ചന്തകൾ സാധാരണ കൂടിവരുന്നതു്. ആ ദിവസങ്ങളിൽ ആക്കെങ്കിലും ഓരോ ചക്രംവീതം കൊടുക്കുന്നതായാൽ ചന്തകളെ ശുചിയാക്കിവച്ചുകൊണ്ടിരിക്കാൻ സാധിക്കുന്നതാണു. ഞാൻ ഒരു അന്തിക്കടയുടെ ഉടമസ്ഥനാണു. അതിലേക്കു ഗവർണ്മെൻറിൽ നിന്നും നിശ്ചയിച്ചിട്ടുള്ള ഫീസു ഞാനിതുവരെ വാങ്ങീട്ടില്ല. ആ കടയെ ശുചിയാക്കിവച്ചുകൊണ്ടിരിക്കുന്നതിനു ഇങ്ങനെയാണ് ഞാൻ ചെയ്യുവരുന്നതു. ഈ സ്ഥിതിയിൽ ചന്തകളെ ശുചിയാക്കിവച്ചുകൊള്ളുന്നതിനു അതിലെ കൺട്രാക്ടർന്മാരെ ചുമതലപ്പെട്ടുത്തുന്നതിനു തക്കവണ്ണമുള്ള വ്യവസ്ഥകളോടുകൂടി രൂപംസിനെ ഭേദപ്പെടുത്തേണ്ടതാണു്. അങ്ങനെ ചെയ്യാതെ ഓരോ ചന്തകൾക്കും മീനിയൽസിനെ നിയമിക്കുന്നതു ദുർവ്യയമായി തീരുന്നതുകൊണ്ടു ഈ മോഷനെ വോട്ടിനിടേണ്ടതാണു്.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): The only question is about the agency that should be employed for keeping the markets clean. At present we have entered into contracts and those contracts cannot be violated by Government at the present moment. We have not made any stipulation in the contract that the contractors must clean the market and so we have to clean them at Government cost. As I said before, all that has been suggested by Mr. Kumara Pillai and the other members of the House will be considered. But at present we want some means of keeping these markets clean. If the sum asked for is not granted, we have no means of having that done. I would therefore ask Mr. Kumara Pillai not to tie the hands of Government by making the cut that he proposes. If this amount is not granted, we cannot have a single market cleaned. Mr. Kumara Pillai says that, in some markets, the work is not being done. As pointed out by Mr. Kumara Pillai himself, these markets are scattered all over the taluk and it is not possible for the Tahsildar to go over to all these markets and see that they are regularly cleaned. If instances of neglect of duty in this matter are brought to the Tahsildar's notice or to my notice or to the notice of Government, steps will be taken to see that these menials do not neglect their work.

MR. K. K. THOMAS (*Kottayam*): May I know whether the leases have already been given?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): The leases have already been given for the year 1101.

Unless this amount is granted, we cannot employ a single man to clean these markets all over the State. There may be cases in which the work is not attended to. I would only request you to bring such cases to the notice of Government.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): May I ask Mr. Robinson whether the Tahsildars visit any of these markets at least once in the year?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): They are expected to do so.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Has the Land Revenue Commissioner any statistics in the matter?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I have not got it at present.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Is there any means of knowing whether the Tahsildar is spending the amount allotted properly?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I will make enquiries in regard to that.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): May I know whether any amount has been spent till now this year on this account? I do not see anything in the budget.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I applied for a supplementary grant. I cannot say off-hand what has been sanctioned by Government.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I do not find any provision in the Budget for 1100.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): The Peishkars asked a sum for this purpose and I made a request for the same to Government.

MR. C. P. TARAKAN (*Kunnatnad*): മാക്കറിന്റെ ലേലം സ്ഥിര പ്പെടുത്തുന്നതാരാണ്?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): The Peishkars, I believe.

MR. C. P. TARAKAN (*Kunnatnad*): May I know from Mr. Robinson whether all the auctions for the lease of markets for the next year have been confirmed?

MR. K. K. THOMAS (*Kottayam*): May I know from Mr. Robinson whether the markets have been leased for the year 1101?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Yes. I would therefore request Mr. Kumara Pillai not to press the motion.

MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): ഇപ്പോൾ അടുത്ത ആണ്ടത്തേക്കു ലേലംവിളിച്ചുപോയി എന്നുപറയുന്നു. ലേലം വിളിച്ചുപോയതുകൊണ്ടു ഗവർണ്മെന്റിനു സ്ഥിരീകരണജോലി വഹിക്കാതിരിക്കാൻ നിവൃത്തിയില്ല. എന്നാൽ അടുത്തവണ ലേലം വിളിക്കുന്നതിനുമുമ്പ് ഈ റൂൾസിനെ അനുരൂപമായി ഭേദപ്പെടുത്തി ആ പണം അത്യാവശ്യമായ കാര്യങ്ങളിൽ ചിലവാക്കത്തക്കവിധത്തിൽ വേണ്ടതു ചെയ്യാമെന്നു വാഗ്ദാനംചെയ്യുന്നപക്ഷം എനിക്കുപ്രമേയം പിൻവലിക്കുന്നതിൽ വിരോധമില്ല.

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT: The Government will give you an undertaking to have the whole question considered in the light of the discussion.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): All that I ask Mr. Kumara Pillai is not to press the motion.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): I withdraw the motion.

PRESIDENT: May I take it that the House consents to the motion being withdrawn?

The motion was, by leave, withdrawn.

The Council adjourned for lunch at 2-4 P. M. and re-assembled at 2-48 P. M.

Motion 10.

The following motion was not moved.

MR. A. J. JOHN:

10. To omit the allotment of Rs. 15,000 for improvement of markets.

Motion 11.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): Sir, I beg to move the following motion:—

11. To reduce the allotment of Rs. 15,000 for improvement of markets by Rs. 100.

ഇതിൽഎനിക്കുരണ്ടു മൂന്നു സംഗതികളാണ് പറയാനുള്ളതു്. ഈവിനിങ്ങ്മാക്കറ്റുകൾ ഇപ്പോൾ നടത്തുന്നരീതി ഒന്നു ഭേദപ്പെടുത്തണം. രണ്ടാമതു, ഈ ചന്തകളിൽ നടത്തിവരുന്നതായ അറക്കറവേലകൾക്കു നിയമപ്രകാരം നന്നാക്കുന്നതിനും ഇപ്പോൾ അനുവദിച്ചുവരുന്നതു കപോരാ. മൂന്നാമതു ഈവിനിങ്ങ്മാക്കറ്റിൽനിന്നും ഫീസ് ഈടാക്കുന്നതു് കഷ്ടമാണെന്നുള്ളതാണ്. ഈ ഈവിനിങ്ങ്മാക്കറ്റിൽ അധികവുംസാധുക്കളാണ് വരുന്നതു്. ക്രിസ്ത്യാനികൾ വൈകുന്നേരം ശമ്പളം വാങ്ങിവല്ല അരിയോ ഉപ്പോ മുളകോ ഒക്കെ വാങ്ങാനായി വരുന്ന സ്ഥലമാണ്. ഈ മാക്കറ്റിനും മറ്റു മാക്കറ്റുകൾപോലെ ഫീസ് ചുമത്തിക്കാണുന്നു. സാധുക്കൾ ചില്ലറസാമാനം വാങ്ങാൻ രണ്ടു തേങ്ങയോ അല്ലെങ്കിൽ രണ്ടു മുട്ടയൊ മറ്റോ വില്ക്കാനായിട്ട് കൊണ്ടുവരുന്നതു സാധാരണയാണ്. അങ്ങനെ കൊണ്ടുവരുന്ന സാമാനങ്ങൾക്കു കണ്ടാക്ടർ ചുങ്കം ചുമത്തുന്നുണ്ട്. ഗവർണ്മെന്റു നിയമപ്രകാരം കൈചുമടിനു രണ്ടു കാശേ ഉള്ളു എങ്കിലും അവർ രണ്ടുകാശായി വാങ്ങിക്കുന്നതു വളരെ അപൂർവമാണു. മിക്കവാറും നാലുകാശാണ് വാങ്ങിക്കുന്നതു്. ഇങ്ങനെ കൂടുതൽ പിരിച്ചുവരുന്ന എന്നു ഫ വ-ാമത്തെ പ്രജാസഭയിൽ ഒരു മെംബർ അറിയിച്ചു. അതിനു അന്നത്തെ പ്രസിഡന്റു പറഞ്ഞതു, അങ്ങനെഒരിക്കലും

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. Kumara Pillai.]

നടക്കയില്ല; അതു നിങ്ങൾക്കറിയാൻപാടില്ലാത്തതുകൊണ്ടാണു്; ഞാൻ ഒരിക്കൽ പരിശോധിച്ചു; ഒരു മനുഷ്യനും ക്രൂട്ടൽ ചുങ്കം വാങ്ങുന്നതായി കണ്ടില്ല; എന്നാണു. ഒരു തിരുവിതാംക്കൂർ ദിവാൻജി ഒരു ചന്തയുടെ ഏതെങ്കിലും മൂലയിൽവന്നു് നിന്നാൽ കൺട്രാക്ടറന്മാർ ന്യായരഹിതമായ ഫീസ് ഒരിയ്ക്കലും വാങ്ങിക്കയില്ലാ. അതുകൊണ്ടു് തിരുവിതാംക്കൂർ സംസ്ഥാനത്തുള്ള ചന്തകളിൽ ക്രൂട്ടൽ ചുങ്കം പിരിക്കുന്നില്ലാ എന്നു് പറയുന്നതു് അത്ഥമില്ലാത്തതാണു്. ഈ ക്രൂട്ടൽചുങ്കം പിരിക്കുന്നതിനെപ്പറ്റി അന്വേഷിക്കുന്നതിനും അതിനെ സംബന്ധിച്ചു് നടപടിനടത്തുന്നതിനും ഇവിടെ ആരുംതയ്യാറില്ലാ. തഹശിൽദാരന്മാക്കു് ഈ കടകളിൽ പോകാനും അന്വേഷിക്കാനും സാധിക്കുമെങ്കിലും അങ്ങനെ ചെയ്യുവരാറില്ല. പിന്നെ പോലീസുകാരുണ്ട. പോലീസുകാരേക്കൊണ്ടു് ഔണിലുള്ളവക്കാണ പ്രധാന ആവശ്യം. ഉൾനാടുകളിൽ ആളുകൾ കുറവാണു്. അതുകൊണ്ടു് അവരിൽനിന്നും രക്ഷ ഇല്ലാ. കൺട്രാക്ടറന്മാരുടെ ഒരു ദയവിലാണു് ഇവിടെയുള്ള സാധുക്കൾ കഴിച്ചുകൂട്ടുന്നതു. ഈ ആണ്ടിൽ ചന്തകളിലും ഈവിനിങ്ങ്മാക്കറ്റുകളിലും നിന്നു് ൯൦,൦൦൦ രൂപായേകിട്ടുന്നുള്ളു. ഈവിനിങ്ങ്മാക്കറ്റിൽനിന്നുമാത്രം ആയിരമൊ രണ്ടായിരമൊ രൂപാ വരുമായിരിക്കാം. സാധുക്കൾ ഒരു തേങ്ങയോ രണ്ടു മുട്ടയോ കൊണ്ടുവരുമ്പോൾ അവരിൽനിന്നും നാലുകാശു വാങ്ങി മുതൽക്രൂട്ടിട്ടു് തിരുവിതാംക്കൂർ ഗവർണ്മെൻറിന് യാതൊരാവശ്യവുമില്ല. ഞങ്ങളുടെ വരവ് ചിലവൊന്നും നോക്കാതെ ക്രൂട്ടൽ ഗവർണ്മെൻറ് ചുമത്തുന്നപക്ഷം ഞങ്ങൾ കൊടുക്കാൻ തയാറാണ്. ഈ പാവങ്ങളുടെ രക്ഷയ്ക്കുവേണ്ടി ഈ രണ്ടായിരൂരൂപാ ഞങ്ങളിൽനിന്നു ഈടാക്കിയാലുംകൊള്ളാം. എന്നാൽ ഈ മാക്കറ്റ് റൂൾസ് ഉണ്ടാക്കുന്ന കാലത്തു് പ്രജാസഭയിലും കൌൺസിലിലും ഇതിനെപ്പറ്റി പറഞ്ഞിട്ടുണ്ടു്. സാധുക്കളെ രക്ഷിക്കാൻവേണ്ടി ഈ ഈവിനിംഗ് മാക്കറ്റിന് ചുമത്തീട്ടുള്ള ഫീസു കുറയ്ക്കണം.

ആദ്യകാലത്തു് ഈ ചന്തയിൽനിന്നും പിരിക്കുന്ന പണത്തിൽ ൧൦൦-ന് ൭൫-വീതം ആ ചന്തകൾക്കുതന്നെ ചിലവാക്കാമെന്നു് ഡിപ്യൂട്ടിപ്രസിഡൻറ് മിസ്റ്റർ സുബ്ബയ്യർ പറയുക ഉണ്ടായി. അതു് ന്യായമാണു്. മാക്കറ്റ്ബിൽ നിയമസഭയിൽ കൊണ്ടുവന്നപ്പോൾ അതിനെപ്പറ്റി വാദപ്രതിവാദമുണ്ടായിരുന്നു. അന്നു് ചന്തകൾ വൃത്തി ആക്കുന്നതിനല്ലാതെ ഈ പണം പൊതുമുതലിനോടു് ചേർക്കയൊ

LIBRARY ARCHIVES Kerala Legislative Assembly

മറ്റുനിലയിൽ വിനിയോഗിക്കുകയൊ ചെയ്കയില്ലാ എന്നു പറഞ്ഞതു കൊണ്ടാണ് അന്ന് അതു പാസാക്കിയതു്. ഫൻ-ാമത്തെ പ്രജാസഭയിൽ ചന്തകം നന്നാക്കുന്ന വിഷയത്തെപ്പറ്റി ഒരു പ്രമേയം കൊണ്ടുവന്നപ്പോൾ അന്ന് കിട്ടിയ മറുപടി, ഒരു് ഇനത്തിൽനിന്നും വരുന്ന പണം അതെ ഇനത്തിൽതന്നെ ചിലവാക്കണമെന്നുള്ള തത്വത്തിൽ ഗവർണ്മെൻറ് ഒരിക്കലും യോജിക്കുന്നതല്ലാ എന്നാണ്. പിന്നെ മിസ്റ്റർ സുബ്ബയ്യർ പറഞ്ഞതുപോലെ ഫ ൦ ൦-ന് ൭ ൦ വീതമെങ്കിലും ഇതു് നന്നാക്കാൻ ചിലവാക്കണമെന്ന് പറഞ്ഞു. അപ്പോൾ, മാന്യസ്നേഹിതൻ മിസ്റ്റർ ജാർജ്ജ് ഞങ്ങളുടെ ബഡ്ജറിൽ ഇതാ അനുവദിച്ചിരിക്കുന്നു എന്നുപറഞ്ഞു. അതിൽ ചില രഹസ്യങ്ങൾ ഉള്ളതു് മിസ്റ്റർ സുബ്ബയ്യക്കറിയാമായിരിക്കാം. ഈ രഹസ്യമെന്താണെന്നു്വച്ചാൽ, ൧൯൩൭ലെ ബഡ്ജറിൽ ഫ ൦,൦൦൦ രൂപാ ആയിരുന്നു അനുവദിച്ചിരുന്നതു്: അതിൽ ൨,ഫ൭൫ രൂപായെ ചിലവാക്കിട്ടുള്ളൂ. അതുപോലെ ൧൯൩൮-ലെ ബഡ്ജറിൽ ഫ൨,൦൦൦ രൂപാ അനുവദിച്ചു. അതിൽ ൬,൦൦൦-ൽ പരം രൂപാമാത്രം ചിലവാക്കി.

പിന്നെ മറെറാരു സംഗതി ഉള്ളതു് പ്രൈവറ്റ് മാർക്കറ്റ് വളരെ വർദ്ധിക്കുന്നു എന്നുള്ളതാണ്. അതിനുള്ള കാരണം, ഈ പണപിരിവുള്ളതുകൊണ്ടാണ്. ഇതിൽ ൯൭ ശതമാനം അന്തിക്കടകളാണ്. സാധുക്കൾക്ക് പീഠാതിപറയാൻ സാധിക്കയുമില്ലാ, അങ്ങിനെ പരാതി പറയാൻ പോയാൽ അവരുടെ കുഞ്ഞുകുട്ടികൾക്കു നാലഞ്ചുദിവസം പട്ടിണിയുമാണ്. ഒരു കടയിൽ ഒരു പാവപ്പെട്ട സ്ത്രീ രണ്ടു മുട്ട മടിയിൽ കെട്ടികൊണ്ടുവന്നു. കൺടാക്ടർ നാലുകാശ്ശു് തരണമെന്ന് ചോദിച്ചു. "നാലുകാശ്ശു തരാൻ നിവൃത്തിഇല്ല. മുട്ട വിറ്റിട്ട് വേണം ഇന്നത്തേക്കു് സാമാനം മേടിക്കാൻ" എന്ന് ആ സ്ത്രീ പറഞ്ഞു. കൺടാക്ടർ നാലു് കാശ്ശുതരണമെന്നു് നിർബന്ധിച്ചു. ആ സ്ത്രീ രണ്ടുമുട്ടയും അവന്റെ മുമ്പിൽ എറിഞ്ഞുടച്ചു കരഞ്ഞും കൊണ്ടുപോയി. ഇതു ഞാൻ കണ്ടതായ കാര്യ്യമാണ്. ഇങ്ങനെ തിരുവിതാംകൂർ സംസ്ഥാനത്തേക്കു് പണം ഉണ്ടാക്കീട്ടു് ഒരാവശ്യവും ഇല്ലാ. അത്താഴപട്ടിണികിടന്നു, ഉടുക്കാനും കുടിക്കാനും ഇല്ലാത്ത സാധുക്കളുടെ പക്കൽ നിന്നും ഈ മാതിരിപണം പിരിച്ചു് ഗവർണ്മെൻറിനു മുതൽ കൂട്ടീട്ടു് എന്താണ് ആവശ്യം? അതിനുവേണ്ടി മറ്റുള്ളവർക്കു് എന്തുതന്നെ നികുതിഭാരം ചുമത്തിയാലും ഈ ഏർപ്പാടു് നിർത്തണം എന്നാണ് എനിക്കു പ്രധാനമായി പറയാനുള്ളതു്. പ്രൈവറ്റ് മാർക്കറ്റുകൾക്കു് ലൈസൻസുകൊടുക്കുന്നതു് വളരെ സൂക്ഷി

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. Kumara Pillai.]

ച്ചുവേണം. ൻ ൈ-ൽ ഫൻ ർ-കടകം ഉണ്ടായിരുന്നതു് ൻവ്വ-ൽ ഫന്നർ ആയി. ൻൻ-ൽ, ഫവ്വ ൈ ആയി. ഇങ്ങനെ ഓരോ ആണ്ടിലും വർദ്ധിച്ചുവരുന്നതുകൊണ്ടു് മാക്കറിനു ലൈസൻസു കൊടുക്കുമ്പോൾ വളരെ ആലോചിച്ചു് ജനങ്ങൾക്കാവശ്യമാണോ എന്നു് അന്വേഷിച്ചു് കൊടുക്കണം. അന്തിക്കടകളുടെ ഫീസ് കുറച്ചാൽ മാത്രമെ ജനങ്ങൾക്കു് രക്ഷ ഉണ്ടാകയുള്ളൂ.

PRESIDENT: I can give you the assurance on behalf of Government that they will abolish the fees levied in the evening markets, which work hardship on the poor, as soon as they can. (*Cheers.*)

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*) Sir, I am exceedingly happy to hear that, and I thank you for the same. I withdraw my motion.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Sir,—

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): I have already withdrawn the motion, after the assurance from the Chair.

The motion was, by leave, withdrawn.

Motion 12.

MR. K. K. THOMAS (*Kottayam*): Sir, I beg to move the following motion.—

12. To reduce the allotment of Rs. 2,44,140 for Taluk Cutcherries by Rs. 100.

My object in tabling this motion is to draw the pointed attention of this House to the mischief apprehended by the working of the Puduval Rules framed by Government under Section 7 of the Land Assignment Regulation and dated 13th Kumbham 1098. Even though the purely procedural part of the Rules may be acceptable, the scale of *standard rates* of assessment on land and trees and the *tarvila* fixed therein work great hardship to the rural land-owning portion of the people of Travancore. It is still harder and impracticable in the case of the rules relating to the assignment of town lands. My esteemed friend, Mr. C. P. Kochukunju Pillai, has made pointed reference to it in his speech at the general discussion. At present, these rates, however high, affect only those who go in for *puduval* registry and their number being so small we may not mind it, for the present. But I trust it will be evident to every one in this House that these rules have *come to stay* and that they are going to affect every landholder in the country, high or low, in the immediate future. A comparison of the rates of assessment under the Settlement Proclamation and under the present Rules will, I am sure, convince the House of the absurdly high rate, and galvanise the representatives of the people into activity, especially when it is remembered that we are on the eve of a fresh settlement, at least in the southern

LIBRARY ARCHIVES Kerala Legislative Assembly

taluks where the Settlement operations were started about 30 years ago. Under the Settlement, the lowest assessment on dry lands is one fanam, while, under the Rules, the lowest rate is 7 fanams or one rupee. It is also known to every one that the rate fixed in the Puduval Rules is only the thin end of the wedge, and that these rules or even a further enhanced rate will be adopted in the next Settlement, seeing that this rate has been quietly accepted without complaint by the public for a few years. In the new Settlement, the worst dry lands which are considered useless and which will not sell even for Rs. 20 or 30 per acre will be assessed at one rupee per acre and the average rate will range somewhere about 12 fanams per acre. So that the man who pays one fanam at present will have to pay about 12 or 13 times the amount per acre.

This will mean the ruin of several middle or upper class families as the lands will go down in their market value to an enormous extent. Every one here knows that, in every part of Travancore, there are vast areas of very poor lands, kept for raising tapioca and such like products once in five years and for rearing the brushwood so indispensable for bunds and *varampus* for *punja* cultivation and for raising green manure. To tax these lands at the present rate will be like slaying the goose that lays the golden eggs.

Coming to the rules regarding town lands, the rate is exorbitant. The rates in Schedule II will show that the highest rate is Rs. 571-12 chs. per acre and the lowest is Rs. 7-4-0 per acre. A town is described in Rule 30 as follows:—

> No place shall be classed as a town unless (*a*) the Municipal Regulation is in force therein, or (*b*) the place has a population of not less than 3,000 inhabitants living in houses more or less contiguous".

So that a Notification by Government converting any portion of the country into a Municipality will mean that for all lands within the town these rates will apply. Now the Municipal towns in Travancore, except in the heart of business centres or markets, are generally little better than rural areas. In places like Kottayam, Changanachery, Attingal, and Tiruvalla where the Municipal Regulation is in force, except in the vicinity of markets and business centres, the whole area is distinctly rural and the area of an average holding is very extensive. Large areas are not even inhabited or cultivated except for brushwood. It is easy for Government to notify that a place is classed as a town even though no signs of a town or even of a modest village are to be seen in the locality. The rates of assessment obtaining under the Rules are prohibitive and no man will be able to make the land bear the assessment.

Under Rule 33, the method of assessing these lands is fixed. The market value may be roughly ascertained and three-fourths of the market value divided by 25 is to be fixed as the assessment. This works out at 3 per cent. As pointed out by my friend Mr. Kochukunju Pillai, an investment on land rarely fetches more than 3 or 4 per cent.; and if 3 per cent *i. e.*, the whole of the income derived from land, is to be paid as

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. K. Thomas.]

tax, we do not see how it is to be paid. The principle of taxation hitherto adhered to everywhere is that it should bear a small proportion to the yield from the land, but this is not the principle followed in the Rules. It is determined by the locality irrespective of the yield. No distinction is made between dry land and wet land, the former of which alone may have any advantage by being in a town. Wet lands, however deep or unsuited for cultivation, are classed in the same category as a town land.

In this connection, I venture to point out that in recent years since 1083 onwards the Government have not been showing that solicitude and consideration to the peasant proprietors which the earlier administrations have been uniformly evincing. If one goes through the clauses of the earlier Proclamations of Our Gracious Maha Rajas, *e. g.*, the enfranchisement of *pattam* lands of 1040, the Settlement Proclamation of 1061 and the Proclamation *re* tax on wet lands of 1064, etc., our hearts melt when we consider the extreme solicitude shown by Government for the amelioration of the condition of the land-holders, and we realise with admiration the statesmanlike instincts with which the great administrators were endowed. Coming to the modern days, I regret I am constrained to observe that the Government has degenerated into a soulless automaton anxious only to find funds by all sorts of means to run the administration. We want more sympathetic treatment in this matter. In this connection, I venture to suggest that, in framing fiscal rules at least, it will be to the best interests of all concerned if non-officials are consulted and their views examined before Government precipitate into the promulgation of these laws.

I may also be permitted to point out in this connection that the spirit of Section 12 of the Settlement Proclamation may be adhered to, in framing Puduval Rules from time to time, and that the rates fixed at the Settlement may be continued and that the Puduval Rules may be re-examined and recast to suit the conditions of the country. With these observations, I move for a reduction of Rs. 100 out of the total grant of Rs. 2,44,140.

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): Sir, in regard to the town land rules, my friend, Mr. Thomas, has been reading and explaining those rules and telling us how the assessment is calculated. In the first place, I may say that these rules are intended, more or less, to apply to cases of grant of lands for house-sites in towns. They were adapted into our Puduval Rules from the corresponding rules obtaining in British India which are incorporated in the Standing Orders of the Board of Revenue, Madras.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Is there any such distinction drawn in the rules themselves?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*) : We have adopted the rules from British India bodily. Those rules relate to towns and to places which are in the nature of towns.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnatur*) : Are we to understand that these rules are not made applicable in the case of registry of *puduval* lands which are on the extremity of town limits and are not for house-sites ?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*) : These lands are meant to apply to grants for house-sites or for extensions of house-sites. The hardship arises only when these rules are made to apply to all lands generally within towns.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnatur*) : May I know whether such instructions have been issued to Tahsildars?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*) : No instructions other than those contained in the Rules have been given.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : Are the Government aware that the Tahsildars have not understood those distinctions ?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*) : The rules are there and they are being worked. In view of the difficulties pointed out, I may say that these rules will be re-examined by Government at an early date. As I said, so far as building sites and the extension of building sites are concerned, there can be no serious hardships. The principle underlying the rules is this. The assessment is first fixed and that is calculated at three-fourths of the market value divided by twenty-five. The *tharavila* is deliberately fixed very low and the idea is that, when we realise the assessment for 25 years, the Government recoup the full value of the land including the *tharavila i. e.*, one-fourth of the market value or the bid amount realised at the time of registry. We realise only a nominal amount at the time of registry, so that the people may pay it easily and have the land. That is the principle underlying the rules and hence the assessment has necessarily to be heavy. As I said Government, by realising the assessment for 25 years, realise the value of the land. It is needless to say that in towns the value of the land is very high. It is only one-fourth of the market value of the land that is realised as *tharavila*; so the tax has to be heavy. As it is said that the rules are calculated to cause hardship on the ryots, they will be re-examined by the Government.

As regards the assessment on lands other than town lands, it is only one rupee per acre. That may not press so hard upon the people.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): ഈ രീതിയിൽ ഭൂമിയെ സംബന്ധിച്ച് എന്തെങ്കിലും പുനരാലോചിക്കാൻ വിചാരിക്കുന്നുണ്ടോ?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*) : Yes.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*) ഇതു ഗുണകരമായ ഒരേർപ്പാടിനെപ്പറ്റി പുനരാലോചിക്കേണ്ട ആവശ്യമുണ്ടോ?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): Because this has been brought to the notice of Government in successive sessions of the Sri Mulam Popular Assembly and in this House. It was also pointedly raised at the general discussion of the budget in this session. So Government are proposing to take up the rules for re-examination with respect to town lands.

MR. K. K. THOMAS (*Kottayam*): May I know whether they will consider the rules relating to lands other than town lands?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): Those provisions are more or less lenient. In respect of those rules, I say that the hardship does not arise so much as in the case of town lands.

MR. C. P. THOMAS (*Nominated*): If the Government are prepared to re-examine one portion of the rules, then, cannot the whole set of rules be re-examined?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): The whole rules may be re-examined.

PRESIDENT: If the non-officials wish it, they can associate one or two of themselves in re-framing the rules.

MR. K. K. THOMAS (*Kottayam*): Certainly.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): We shall welcome such an idea.

PRESIDENT: When the time comes, you can select two or three from among you.

MR. K. K. THOMAS (*Kottayam*): In the light of the assurance given by the member on behalf of the Government, there is no use in continuing the discussion. The Town Land Rules do not affect the whole population. The main point I wish to urge is about the lowest rate of assessment to be fixed per acre. It affects the whole country. So, if Government can re-consider it before the next Settlement, I would withdraw the motion.

MR. S. C. H. ROBINSON (*Land Revenue and Income-tax Commissioner*): When the Puduval Rules are re-examined, the whole question might be gone into. Then non-officials may also be consulted.

MR. K. K. THOMAS (*Kottayam*): I withdraw the motion.

The motion was, by leave, withdrawn.

Motion 13.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kumatur*): Sir, I beg to move the following motion:—

13. To reduce the allotment of Rs. 2,44,140 for Taluk Cutcherries by Rs. 100.

In bringing this motion forward, my object is to point out to the Council the enormous rise in the number of demand notices issued and in the amount collected as fees thereunder in 1099 and in previous

LIBRARY ARCHIVES Kerala Legislative Assembly

years, and the consequent hardships caused to the people. On page 9 of the *Administration Report*, it is stated thus:—

"Compared with the previous year, the number of cases in which demand notices were issued during 1099 and the amount involved rose from 2,79,722 cases to 5,17,178 cases and from Rs. 14,08,977 to Rs. 18,93,010. There was an increase in the number of cases and the amount involved under distraint of movables and attachment of immovables also. Under 'sale of movable properties,' the figures show a rise both in the number of cases and in the amount involved, but under sale of immovables, though there was a small rise in the number of cases, the value of property brought to sale showed a decline.''

The number of cases in which distraint of movables and attachment of immovables was concerned in 1098 was 5,945, and in 1099, 9,363, and the amount involved was Rs. 1,04,292 and Rs. 1,18,203 respectively. These figures show, Sir, that the number of demand notices issued in 1099 is double that in the previous year. In other words, the money collected in 1099 as fees and demand notices for land tax amounts to 5,17,178 fanams or seventy thousand and odd rupees. This, I need hardly submit, is a regular drain on the purse of the poor taxpayers. The number of such notices issued this year must, I believe, be even more than in the previous years. I know that the number of such cases prior to this year was negligibly low. Formerly, Sir, the *proverthicars* and peons, and, in many cases, the accountants, had been going about in the villages for the collection of this revenue. In that way, these *pakuthi* officers have been discharging their duties satisfactorily, leaving no room for complaints or errors. It appears that, of late, there has been a rule, or some understanding, as referred to by the Deputy President the other day, that the *pakuthi* officers need not go about the villages as it is the duty of the taxpayers to pay their tax in time and, that, if they fail to do so, demand notices should be issued. Demand notices should be issued, Sir, I admit, to persons who are unwilling to pay their tax or who have no means to pay their tax or who cannot be found out. But in recent years, such notices were issued to all taxpayers without any distinction being made. Our Deputy President, during the course of the general discussion the other day, said that there was no use in wishing that the debtor should seek the creditor and pay him the money; the creditor must certainly go about and demand his dues and issue notices whenever he cannot get money. The *pakuthi* peon has to go about for the service of the demand notices; the *proverthicars* have to spend their time in preparing these enormous numbers of demand notices. What I beg to submit is that the time taken by these *pakuthi* peons to go to these ryots, and also the time taken by the *proverthicars* in the preparation of the large number of demand notices, is quite enough for them to go to the ryots in person and make a demand. If, in spite of that, they fail to pay their tax in time, of course it is only reasonable that demand notices should be issued in those cases. No taxpayer can successfully avoid payment of his land-tax. In fact, it will be a case of disloyalty if he does not pay his tax and none of our taxpayers are so. Then there is the other regrettable feature in the issue of such notices. Separate notices are issued to the same person who has to pay taxes under different *pattas* though the

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. C. P. Kochukunju Pilla.]

lands are situated in the same *pakuthi*. I know there is a rule in the Revenue Department that the *proverthicar* within whose jurisdiction the man permanently resides is asked to collect the whole tax due from him for properties situated in two or three taluks together. I paid this year my tax to the *proverthicar* of Kottarakarai which ought to have been paid to the Punalur *proverthicar* and the Anchal *proverthicar* in the Pattanapuram taluk. So my point is that only one notice should be issued to the same person for all the amounts of tax due from him. For all these reasons, Sir, it is rather too much on the part of the Government to expect payment of tax from people without a demand being made by the *pakuthi* officers. Again, the fee on demand notices is four chackrams, even though the tax may be only four cash or one chackram. This fee is rather very high. I therefore pray, firstly, that demand notices should not be issued before asking the people to pay the tax and that the old system of collection from house to house should be resumed; secondly, separate notices should not be issued to the same person; who has to pay tax as per different *pattas* and thirdly, the amount of fees on one demand notice should be reduced to one chackram.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I have very great pleasure in supporting my friend Mr. Kochukunju Pillai. I have myself sent in another motion to raise the same question, that is motion No. 17. I introduced the same subject not knowing where exactly to get it in, thinking that I shall fall foul of the travelling allowance of the *proverthicar* and his peons. That is the way I introduced the subject. Now this question of the demand notice is really causing some hardship in the State. It is a matter of very recent growth—this enormous output of demand notices on the part of the Revenue Department. But all the same, there is a gigantic difference between the figures of the last year and this year. As much as five lakhs of demand notices appear to have been issued in the present year. The inequity may be easily imagined when certain aspects of the question are placed before the House. Issuing demand notices is after all a method of informing the defaulter that revenue is due from him. Suppose the *proverthicar* or his assistant thinks of writing an Anchal card to the defaulter, it costs only five cash. But when a sleepy peon of the *proverthicar* takes a written piece of paper, be it to the neighbour of the *proverthicar* himself, the cost comes to four chackrams. I cannot understand the disparity which now exists between the cost of the notice when made through the Anchal offices and when made through the Revenue Department. No doubt, the Revenue Recovery Regulation (the current Regulation being Regulation I of 1068) has been subsequently amended considerably so that the revenue authorities may arm themselves with as such power as they like. There was an amendment in 1087, another in 1094 and subsequently a third in 1097. It is that Regulation which must have empowered them with the powers that they now exercise. Originally, Section 6 of Regulation I of 1068 provided for coercive steps, but before these coercive steps are taken on a defaulter, there should be a demand made upon him.

LIBRARY ARCHIVES Kerala Legislative Assembly

That Section has been repealed by Mr. Subba Aiyar in the year 1097, and in its place he enacted two more sections, that is, Section 2 of Regulation X of 1097 and Section 23 A. Now the result of the repeal is that,for each variety of coercive step, a demand notice is necessary; for example a *proverthicar* or his peon proposing a coercive step is at liberty to serve a demand notice for distraint. My friend denies my statement. I may refer him to Section 2 of Regulation X of 1097 which says that a demand notice may be served for the purpose of a distraint and Section 23 A for the purpose of attachment of immovable properties, whereas the old Regulation made mention only of one demand for all coercive steps. Mr. Subba Aiyar multiplied them according to the nature of the property involved in each case. That is why I am submitting scope has been found for the multiplication of demand notices.

Now, Section 46 of the Regulation of 1068 allowed the Government to make rules as regards provisions in the matter of *batta*, &c. The Government framed rules for processes, and the rules say that, for a distance of five miles or any fraction thereof, four chackrams would be the *batta* and for any additional five miles or fraction thereof, an additional two chackrams would be the *batta*. Now, I am submitting that, first of all, whether the demand notice is a process is open to question; whether it is not purely a notice and not a process is open to argument. But leaving that subtle point, I will urge upon the Government the prior statement of mine that, whatever be the distance between two Anchal stations, you need only five cash for an Anchal Card and you can write not only on the inside of the card but outside of it. A man writing from here to Parur need pay only five cash. But under the Regulation, according as the distance is increasing, the fee also increases. I am submitting that it causes considerable hardship. After all, a right understanding of the spirit of the Regulation shows the demand only as a pre-requisite to taking coercive steps, be it attachment or distraint. Now the *proverthicars* or their peons are very lavish in the matter of writing demand notices. Mr. Subba Aiyar himself was telling a little while ago that, in his case, a notice was not served upon him but the *proverthicar* read a notice and demanded four chackrams from him. There is thus an attempt on the part of the underlings to make further revenue, as may be seen from the great disparity of coercive steps taken under the Revenue Recovery Regulation and the number of notices alleged to have been written. How many cases after all have been started by the *proverthicar* may be seen; and a grand disproportion is sure to exist between the number of cases taken and demand notices served. Therefore my submission is this. It is practically indulged in as a machine of oppressing poor taxpayers and as such the Government must call upon the revenue authorities not to indulge in this expensive pastime. A man who has to pay two chackrams as land revenue has occasionally to pay eight chackrams by way of demand notice. That is a serious hardship. That is my complaint.

In the matter of land revenue itself, it proceeds not upon any acceptable principle. The rich men, as regards income tax, are only to pay from

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. K. Narayana Pillai.]

Rs. 2,000 and upwards. But if it is an inch of property possessed by a poor man, the Government immediately ask him to pay the tax upon that as well as the fee for the demand notice. But I am not at that inequity now. All the same, I am submitting that this demand of the *proverthicar* should be discontinued at a very early date and the Government should not think of making a gain by circulating a number of demand chits. After all, the peons and the *proverthicar* himself are provided with a decent travelling allowance in the budget. Such being the case, what is the use of asking them—

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): They do not have any travelling allowance.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Let them be paid travelling allowance. I have no objection. But to create a lakh of rupees by way of notices, I submit, he should not be the medium, unless the Government think that he is at liberty to resort to methods dissociated from scruples of all kind. I have very great pleasure in supporting the motion of Mr. Kochukunju Pillai. I agree fully with his motion and all that he said and request my motion may also be dealt along with it.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I also beg to support Mr. C. P. Kochukunju Pillai's motion. At the same time, I am not prepared to acknowledge the charges that have been fathered upon me by Mr. P. K. Narayana Pillai. He seems to suggest that, but for Regulation X of 1097, there would not be demand notices, and that that Regulation multiplied them. I differ from him. The object of the Bill was that, in the case of attachment of movable properties, the *proverthicar* when he goes to the spot, must be in a position to seize them, as giving notice of attachment of movable properties which belong to a defaulter will be just asking him to take them away. Therefore it was that the provision was put in so far as movable properties were concerned. As for immovable properties, the provision in the Regulation existing at that time was to the effect that the permission of the Dewan Peishkar was always necessary before attachment was made. That caused serious delay in the working of the Regulation. Therefore, the Tahsildar or any other officer empowered was asked to give sanction. When the Bill ultimately emerged out of the Council, it was thought that some notice should be given even in the case of immovable property. Therefore, the provision was put in and it is there. The Regulation therefore did not bring into existence for the first time a demand notice which did not exist previously.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I never said that.

MR. V. SUBBA AIYAR (*Nominated, Deputy President*): The Regulation simply says that demand notice should be issued for attachment of immovables but that it may be made without the previous permission of the Peishkars. I do not think, therefore, that the Regulation is to be

LIBRARY ARCHIVES Kerala Legislative Assembly

blamed very much except perhaps in the working of it. Except in regard to that, I am at one with Mr. Narayana Pillai in saying that there must be some modification of the existing rule, if there is a rule to that effect. The *proverthicar* does not seem to go about the place, and, I believe, he and his accountants are busy writing demand notices, and five lakhs of demand notices must necessarily involve a considerable amount of labour on the part of very many of the poor accountants or clerks as they may be called in the Proverthi Cutcherries. Of course, these notices have been served upon various persons or at least are supposed to be served. I agree with Mr. Narayana Pillai in saying that these notices are very rarely served. When I was at Puliyara sometime ago, the *proverthicar* demanded tax of me. I said I was willing to pay it. He said he wanted the cost of the demand notice also. I said I never got it. He said "I have got it here, you may receive it from me". (*Laughter.*) These people go on writing demand notices from the first of the month up to the 15th, whether they ought to be served or not. I believe that will be considered as an iniquitous impost. As a matter of fact, there are various people who, if only they are reminded of the tax due from them, will be ready to pay it. I believe nobody can afford to possess property without paying tax; so that everybody is particular to see that the tax is paid if only he is reminded of it and everybody will be satisfied and the ryots will be prompt in the payment of their dues. That being the case, instead of insisting on the people going to the Proverthi Cutcherries and paying down the amount, if the *proverthicar* is asked to go about until the 15th, and issue demand notice, if till then the tax is not paid, it will be better. I think some modifications to that effect may be made in the rules.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Two points are raised in this motion. One is about more than one demand notice given to a single person. Demand notices are prepared by *proverthicars* and sent to the Tahsildar for signature. If a person owns land in several *pakuthies*, it will necessarily follow that each *proverthicar* prepares a demand notice in regard to such lands as are in his *pakuthi* and sends it up for the Tahsildar's signature. So, when a person has lands in several *pakuthies*, it is not possible to reduce demand notices to less than one for each *pakuthi* in which he has lands. But when a person has several lands in one *pakuthi*, he would not be given more than one notice for that *pakuthi*. If that is done, it is wrong, and steps will be taken to rectify it. But in the other case, *i. e.*, when a man has lands in several *pakuthies*, the *proverthicar* of each of the *pakuthies* is forced to issue demand notice to a person who owns lands in that *pakuthi*.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is there any objection to make the demand through the Anchal Office?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): How are we to know whether the notice is served or not?

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. C. H. Robinson.]

It has to be admitted that there is a steady increase in the number of demand notices issued since 1095.

MR. C. P. TARAKAN (*Kunnatnad*): ഡിമാൻറ നോട്ടീസയച്ചാൽ കക്ഷിയെക്കണ്ട ഒപ്പു ഇടുവിക്കണമെന്നതു നിയമം വല്ലതുമുണ്ടോ?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): According to the Section 74 of the Civil Procedure Code, I think personal service is required; and if the person is not there, then service has to be made on any adult male member of the House, or in the last resort affixed on the door of the house.

This increase, which is apparently attributed to the severity with which the Revenue Recovery Regulation is put into force for the collection of tax, is really due to several causes. The first and foremost of them is the efficient check exercised in the maintenance of village accounts, particularly the defaulters' account. The rule is that the *kist* due for a month is payable by the 15th of the month and that soon after this date defaulters' accounts should be prepared showing the names of all those who have failed to pay up the tax and that demand notices should be issued to them, so that the coercive steps provided in the Regulation could be completed and *kist* amounts collected before the close of the year. The system of *Jamabandi* inspection instituted by Government has gone a good way to prompt the village officers to maintain this account correctly. The procedure in this respect was slightly loose in former years, and the village officers, instead of taking coercive steps under the Regulation, used to utilise for the current *kist* the excess collections on account of future *kists*. The *Tandaper* accounts were not being written up to date and demand notices were not being issued to all those who actually defaulted payment. The village officers are now being trained to act up to the Regulation and Rules and are asked to keep their accounts up to date. This means that all the defaulters are entered in the account kept for the purpose and steps under the Regulation are also promptly taken.

Another reason is that, under the recent orders of Government, the *proverthikars* and accountants are asked to keep to their *pakuthics* as far as possible instead of making a house to house visit for the purpose of tax collection. These orders were issued on the strength of reports received from the Dewan Peishkars that this system of going about for collecting moneys legitimately due to Government from parties at fixed intervals specified in the *patta* and made known to them already caused a sort of laxity in the village administration and that the absence of these officers from the village offices adversely affected the maintenance of the several registers and accounts prescribed under the rules. The accountants and peons deputed for the collection of *kist* were also very often found to misappropriate the money collected by them. There was also difficulty in promptly granting tax receipts which had to be done with reference to the *Tandaper* accounts which were too heavy

LIBRARY ARCHIVES Kerala Legislative Assembly

to be taken with them. The result was that tax receipts were seldom granted in the printed receipt books showing full particulars as to survey number, etc., and the *Nalvazhi* was never written up to date. The inspecting officers were unable to find out what money was actually collected by the *proverthicar* and what was left as balance. All these facts were taken into consideration in limiting the circuit work of *proverthicars*, accountants and peons for the purpose of tax collection.

The third reason for the increase in 1098 and 1099 is the abnormal work thrown on the village staff on account of Land Records Maintenance. As active work has been going on under this head in all the taluks since 1097, small sums have to be collected from several parties without reference to any *patta* on account of arrears of assessment, current revenue, fine etc. in *poramboke* cases, demarcation charges for stones planted and registry of bits of unobjectionable *porambokes*. All these moneys had to be collected by means of coercive process. The numbers of *poramboke* cases disposed of during the last three years were 7,240 in 1097, 14,433 in 1098, 20,333 in 1099. This will bear out the truth of what is stated above.

I may say that, in proportion to the increase in the number of notices issued, there has been substantial increase in the collection work of the village officers; and though there is some increase in the balance on account of amounts brought to account in the last months of the year, there has been substantial rise in the demand. Any idea of stopping the issue of demand notices when due will certainly create confusion in the accounts and will abnormally swell the balance to be collected.

I may here give a few details as to the system of issue of demand notices and of serving them. Prior to 1084, the demand notices were served by a number of temporary *batta* peons, specially appointed for the purpose in every taluk and the fee, the rate of which varied according to the distance from the Taluk Cutcherry to the residence of the defaulters, was levied from the parties and paid to the *batta* peons without showing the same as credit or debit in the account. This system was abolished, the demand notice fee was fixed at 4 chs. irrespective of the distance referred to above, and the amounts collected were credited in the accounts. Instead of the temporary staff, a permanent staff of peons was appointed in each *pakuthi*. What I want to bring to the notice of the House is that the pay of the staff was meant to be met from the fee realised from the *pattadars* or others concerned who failed to pay the tax in time.

MR. K. PARAMESVARAN PILLAI (*Quilon*): May I ask what the actual cost in sending out these notices in 1099 is?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I have not got that information.

The suggestion, if any, that the issue of demand notices should be curtailed will entail the result that those ryots who are punctual in the payment of their tax will also have to contribute a moiety of the expenditure involved, which should legitimately fall on the defaulters. I

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. C. H. Robinson.]

have said these few words only to clear the misunderstanding as to the purpose with which demand notices are issued and to show how necessary they are for the purpose of avoiding misappropriation of Government money, correctly maintaining the village accounts, and expediting the collection of money due to Government.

Some people say that the *proverthicar* wanted some three or four rupees by way of tax from people who did not know what amount was due from them, and they paid it. Now, the demand notices are issued and they give the exact amount due from the parties and we are able to see that the money collected is credited on the same date. It means an up-to-date collection. The man who pays his tax does not have any demand notice. If you do not have the demand notice fee, the cost has to be met somehow or other from the rest of the general revenues with the Government.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): May I know whether there is any objection to relax the rule and order that the *Proverthicar* or his accountant should go out until the 15th for collection.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): It does not give us time to issue demand notices and take the necessary further steps, and payment of taxes will be long delayed.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I think demand notices are supposed to be issued after the 15th and not written before the 15th. Then, what is the objection to ask the *proverthicars* to collect the tax up to the 15th?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Then the other work in the *pakuthi* will suffer. They have got applications for *puduvai* registry to be attended to. They have got to prepare sketches and they have to attend to all sorts of other work. All these will suffer.

MR. K. K. THOMAS (*Kottayam*): Is he aware that the *proverthicars* are still going out from house to house for collection with the demand notices?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Not so much now as before.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether he is aware that, since the introduction of this scheme, there has been a substantial reduction in the percentage of collection of revenue?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): It was so last year. If you look at the figures, you will see that the amounts actually collected are very much larger. I anticipated this question and went into the matter and found it so.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): In the Government review on the administration of this department, it is stated as follows:

LIBRARY ARCHIVES Kerala Legislative Assembly

"The percentage of collection under current demand was only 95·16 in 1099 against 97·22 in 1098. Taking arrears and current revenue together, the percentage of collection has gone down from 95·39 in 1098 to 93·66 in 1099. Though all the Divisions contributed to the above state of affairs the fall was marked in the Kottayam Division, the percentage having gone down from 94·60 to 89·89; that is, by 4·71 per cent. The Land Revenue Commissioner has not given any reason for this fall in the percentage of collection. It is probably to some extent due to the unprecedented situation brought about by the floods towards the close of the year and to some extent to the change introduced in the method of collection of land revenue by which the village staff has ceased to go from house to house for collection of revenue. In the result, the amount that remained to be collected at the close of the year rose from Rs. 1,60,613 in 1098 to Rs. 2,34,004 in 1099".

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): We cannot go entirely by percentages. The amount collected in 1097 was Rs. 42 lakhs, that collected in 1098 was Rs. 43 lakhs and that collected in 1099 was about Rs. 43½ lakhs. The demand had also risen each year and the actual collection on the whole was very much bigger, though we had only the same staff.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Is the percentage quoted in the Report wrong?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I do not say that. The percentage is smaller but the actual amount collected is very much bigger and the same staff has collected it.

MR. K. PARAMESVARAN PILLAI (*Quilon*): May I ask Mr. Robinson whether it is not possible to reduce the fee on the demand notices?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): That is a matter for consideration. Many of the Dewan Peishkars have, however, been urging that it is not sufficient and it is only a matter for the consideration of Government.

MR. K. PARAMESVARAN PILLAI (*Quilon*): May I know why it is not sufficient? Does it involve the appointment of a new staff? If so, what will be its cost?

MR. S. C. H. ROBINSON (*Land Revenue and Income-Tax Commissioner*): It does not cause the tax to be paid in time. It is simply a matter for the consideration of Government whether it can be lowered and to what amount it can be lowered so as to pay the cost of collection and other factors. It is not sufficiently coercive.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): Is Mr. Robinson aware that the fee on the demand notice was 1 chackram per mile and it was reduced to 4 chackrams per notice on a representation made by some of the members of the Assembly?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I am aware of that.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Sir, I have not got much to say on this question. But one or two facts alone I wish to mention for the information of the Council. My esteemed friend, Mr. Subba Aiyar, referred to the circumstance that, even in British India, village officers are going round from house to

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. Narayanan Pandalay.]

house for the purpose of collecting the *kist*. But one fundamental circumstance (*louder, please*) it seems to me, has been forgotten by him. The conditions pertaining to a British Indian village and a Travancore village are far different. (Mr. G. Parameswaran Pillai: *Hear, hear*). In British India, the village staff—either the village officer or the accountant—can go out in the morning and return in the afternoon, having visited all the houses of the taxpayers, if necessary.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Will not the same thing apply to Shencottah at least?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): I shall come to that. In British India, all the houses are in groups so that it is not a matter of difficulty for the village staff to get at each taxpayer and obtain the money. In Travancore, on the other hand, the houses are so detached that, if either the *proverthicar* or the accountant goes out in search of taxpayers, he may have to spend the whole day in finding out a house and obtaining the tax due. In some cases, he is disappointed even after meeting the taxpayer and has to return in the afternoon without having collected any tax and thus the whole day is wasted.

Another point of difference between the village in British India and the village in Travancore is that the area of a British Indian village, if I recollect correct, does not exceed about 5 square miles, whereas in Travancore the area varies from about 2 square miles to over 200 square miles and the houses are also situated far apart. These are the difficulties which we have had to encounter in allowing this village staff to go about for collection.

MR. K. PARAMESVARAN PILLAI (*Quilon*): May I know from the Chief Secretary how the staff was managing in 1098 as no change had come about then?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Their other work suffered a great deal. When there was delay and remissness, and the village staff were questioned, they used to say that they had gone for collecting the *kist*.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Was not the number of *proverthicars* doubled from 200 to 400?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): There is no change in the number of proverthicars.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Were not certain *pakuthies* split up into two and three?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): No; not recently.

MR. T. J. MATTHEW (*Changanacherry* cum *Peermade*): Was there not such a spliting up at the time of the Settlement?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : Yes. At the Settlement, many of the large *pakuthies* were split up into smaller pakuthies, but at the re-organisation they were left alone.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Was it not at the time of Sir P. Rajagopalachari that the village system was revised ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : It was not with regard to the number of *pakuthies* or *pakuthi* officers but with regard to the emoluments of the *pakuthi* staff.

These are the two difficulties which we have had to face in allowing these people to go about. Recently the registration of vital statistics in rural areas has been made compulsory and it has been ordered that the *proverthicar* or the accountant ought to be at the Pakuthi Cutcherry during particular hours of the day.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : May I know from the Chief Secretary whether, keeping aside the question of the collection of *kist*, they are not expected to go round with regard to the other works pertaining to their office ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : Yes. One of them is required to be at the Pakuthi Cutcherry—either the *proverthicar* or the accountant. From the first to the fifteenth of the *kist* month, if these people are allowed to go about, people who want to pay the *kist* and go to the *pakuthi* office will find nobody in the office and will have to go back disappointed.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : May I know from the Chief Secretary what the practice was before 1098 ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : Of course, the people knew that the *proverthicars* will go round to them for the money.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : Is it suggested that nobody went to the office at that time ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : Some might have gone ; but such cases must have been very few.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : What is the annual cost of the village staff ? Is it not over Rs. 3 lakhs ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : For the next year, the estimate is Rs. 2,93,199. For 1100, it was Rs. 2,85,000.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : So it was nearly Rs. 3 lakhs. What was the amount they were called upon to collect ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : I have not got the figure.

MR. C. P. TARAKAN (*Kunnatnad*) : ഈ ഫിഗർപ്പാട് നടപ്പിൽവന്നതിനശേഷം മറ്റു ജോലിക്കാർക്കുള്ള സൌകര്യങ്ങൾക്കു വല്ലകുറവുതലും ഉണ്ടായിട്ടുണ്ടോ ?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): വളരെ ഉണ്ടായിട്ടുണ്ട്. Considering the loss of time involved in allowing this village staff to go about and thereby the extent of damage caused to *pakuthi* business and loss to the public, I think the House may entertain the view that the increase in the receipts from demand notice is not a serious matter.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Would it not be cheaper to strengthen the village staff instead of collecting by means of demand notices? From the standpoint of the people, would it not be cheaper to employ further hands and revert to the old system of collecting *kist* than depend upon these demand notices?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): That will involve very heavy cost. For, it is not ordinarily safe to entrust the collection of tax to people who have not deposited security. There have been cases in which these village officers and accountants have misappropriated the funds collected. So, unless these persons are appointed and they deposit a security, it is not safe to entrust them with the work of collection of *kist*.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): What is the amount of security for a *proverthicar* and for an accountant?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): For a *proverthicar*, it is Rs. 500 and for an accountant Rs. 200. I suppose, with this information placed before the House, the House will be able to see that it is with the object of removing certain existing difficulties that the new system was introduced.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): കരം തീർത്തതിൽപിന്നിട്ട് ഡിമാൻഡ് നോട്ടീസ് എഴുതിയതായി ദൃഷ്ടാന്തങ്ങൾ വല്ലതും അറിയാമോ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): അങ്ങനെയുള്ള കേസ് എനിക്കറിഞ്ഞിയാ ഒ വന്നിട്ടില്ല. അങ്ങിനെ ഉണ്ടാകുട്ടുണ്ടെങ്കിൽ അതുതെറ്റാണ്.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): അങ്ങിനെ ഉണ്ടായിട്ടുണ്ട്. അതുതെളിയിക്കാൻ ഇവിടെആളുണ്ട്.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): ഇരിക്കാം.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): അങ്ങനെയുള്ള സങ്കടം കൊണ്ടാണ് ഈ പ്രഗതി ഇവിടെ പറയാനിടയായത്.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): അങ്ങിനെയുണ്ടെങ്കിൽ അതുനിർത്തേണ്ടതു അത്യാവശ്യമാണ്.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*) : അതുനിർത്താൻ സാധിക്കുമോ എന്നുള്ള സംശയംകൊണ്ടാണ് ഇവിടെ വാദത്തിനിടയായതു്.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): This is only a passing phase, because when people begin to realise that by the prescribed date the *kist* due by them has to be paid, failing which demand notice will be issued, probably hereafter it will not be necessary to issue such a large number of demand notices.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): Will the Chief Secretary tell us how many out of the five lakhs of demand notices, that have been prepared, have been really served ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : I have no information.

MR T. J. MATTHEW (*Changanachery* cum *Peermade*) : In view of the fact which the Chief Secretary himself referred to, that the villages in Travancore are more extensive and the houses are farther apart than in British India, is there not a greater likelihood of the notices here not having been served at all than in British India ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : It is a matter of opinion.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Sir, by way of reply, I do not want to take up the time of the Council any more. But with regard to one point referred to by the Chief Secretary, as to the impracticability of the collection from house to house, I have to add a word. It is not necessary that these *pakuthi* officers should go from one house to another and similarly to all the houses. That is not what was being done previously. We all know that the village or the *pakuthi* is made up of several *karas*. The practice was that the *proverthicar* with his staff went to one particular house in a *kara* and halted there invariably in the house of a rich man, because of something else—and, he sent his peons to the tax-payers of that *kara*. They were sent for and brought to the place where the *proverthicar* was. In that way he was moving about the whole of the *pakuthi* and making the collection from house to house. Therefore, so much of time as is feared by the Chief Secretary is not necessary for these *pakuthi* officers. It is not necessary that they should go from one house to another and in that way go to all the houses of the *pakuthi*.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : Would the member suggest that the *proverthicar* with his staff should go to the biggest house in the *kara* and stop there for a few days? Would that not give rise to complaints ?

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): I cannot hear him.

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT: What Mr. Robinson asks is this. Would it not cause a complaint if the *proverthicar* went and camped in a big house in the *kara*?

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Certainly not.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Is the member for resorting to the old system of collecting the revenue?

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): We want to go back to the old system of collecting the revenue.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Does the member wish to go back to the old system with all its evils caused by the revenue collectors to the people?

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): No evils really existed, Sir. I press the motion to the vote of the Council.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I do not think there is very much more to be said. I have shown the advantages of having the demand notice. They are not supposed to be issued till after the 15th and the regular taxpayer does not suffer. The only thing is that the defaulter has to pay for the upkeep of the staff, the stationery and other things in connection with the issue of the demand notices. As regards the fee of four chackrams, I do not know how it was arrived at, but I know there have been suggestions. I think the question whether it is not sufficient may be considered hereafter. But the suggestion that the *proverthicars* should go to the biggest house in the village, I do not think, will be of any avail. Now, we want to get over the difficulty—

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): May I ask Mr. Robinson whether, in view of the opinion expressed from the non-official side, he will not find it convenient to relax the rule that a *proverthicar* need not go to any house. It is only that portion that is strongly objected to. If you omit that portion, it does not mean that he should necessarily go from house to house. He may go from house to house if he is so inclined. I believe from the G. O. which Mr. G. Paramesvaran Pillai cited that there is no provision that he should not go at all. So we may go back to the old rule and try to work it out satisfactorily.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): It seems rather to be an unsatisfactory way of putting it.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I believe it is that that has increased the number of demand notices this year. May I know whether you can find your way to modify the provision?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I wish the practice of going round collecting should be stopped.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): You may omit that rule and leave it to his discretion.

PRESIDENT: Would you please read out the Notification, Mr. Robinson?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*):

"It has been brought to the notice of Government that *kists* and other dues under Land Revenue are not generally taken in time to the Pakuthi Cutcherries to be paid to the officers of the *pakuthi* and that *pattadars* and others wait for calls on them by the village staff for such dues. This habit has evidently grown from and been engendered by the practice wrongly resorted to by the village officers of going from house to house with receipts prepared beforehand This objectionable practice has tended to lessen the sense of responsibility of holders in the matter of timely payment of their dues, leading to tardiness in collection and resort to indiscriminate coercive processes and consequent hardship to the *pattadars* themselves. It has also led to cases of receipts passing without the amount being credited to Sirkar, giving opportunity for mischief with monies realised. To obviate the above inconveniences and losses and to minimise the hardship to the *pattadars*, Government hereby direct that the above objectionable practice of village officers going round to the houses of *pattadars* to collect Sirkar *kist* and issuing receipts prepared in advance should be stopped at once, and that the following rules should be strictly observed in the matter of realisation of land revenue."

MR. V. SUBBA AIYAR (*Deputy President*), (*Nominated*): Why not we reconsider the rule and put it in a less objectionable form, making it incumbent on the *pakuthi* staff to go about collecting taxes till the 15th of the month?

PRESIDENT: It is well to consider Mr. Subba Aiyar's suggestion.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): I press the motion.

PRESIDENT: I shall put the motion to the vote of the House.

The motion was put to the vote and carried 31 voting *for* and 14 *against*.

Motions 14 to 17.

The following motions were not moved:—

MR. P. K. NARAYANA PILLAI:

14. To reduce the allotment of Rs. 1,320 for Revenue Inspectors by Rs. 576.

MR. K. MADHAVAN PILLAI:

15. To omit the allotment of Rs. 1,320 for Revenue Inspectors.

MR. T. KUMARA PILLAI:

16. To omit the allotment of Rs. 1,320 for the pay of the three Revenue Inspectors.

MR. P. K. NARAYANA PILLAI:

17. To reduce the allotment of Rs. 3,340 for travelling allowance by Rs. 100.

Motion 18.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to move the following motion:—

18. *To reduce the allotment of Rs. 30,140, for Kandukrishi Cutcherries and Nelpuras by Rs. 100.*

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. K. Narayana Pillai.]

Sir, I make this motion to call the attention of Government to the immediate necessity of altering the system of payment in kind into payment in money with relation to Kandukrishi property. It causes an amount of hardship to the ordinary taxpayer who is being called upon to make the payment in kind. It is mainly with that view that this motion upon the budget has been sent in. From the answer to the interpellation that I had sent up on a question of a similar nature, I understand that the question is being considered by the Government. If an early solution to this question is arrived at, I am not particular of making the motion. If, therefore, an assurance is forthcoming from the Government that they are prepared to tackle the question as early as possible, so that next year the payment will be made in money, I shall withdraw the motion.

PRESIDENT: As a matter of fact, this question is being considered very seriously, I don't say, very quickly, because it is full of complexities, and I can say no more than that the Government are as anxious as you are to make the conversion. (Mr. K. Madhavan Pillai: *Hear, hear*). But there are serious technical difficulties. Government need a certain amount of paddy which, otherwise, they will have to go and buy in the open market. However, we can only settle these things and meet the difficulty after careful investigation. We have got also to remember that these relate to Crown lands.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): But all the same they are under the management of Government.

PRESIDENT: It is true. Government manage these lands for the Crown.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Passing from that aspect of the question for the moment, we are anxious that an assurance of some kind be given to us.

PRESIDENT: There may be practical difficulties against the complete change.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I would only point out this aspect of the question. A complete solution of the problem may not be possible at present, but you may introduce a system which you may rectify as soon as you find mistakes. In view of the suggestion made from the Chair, I withdraw the motion.

The motion was, by leave, withdrawn.

Motion 19.

The following motion was not moved :—

MR. G. RAMAN MENON :

19. *To reduce the allotment of Rs. 30,140 for Kandukrishi Cutcherris and Nelpuras by Rs. 100.*

LIBRARY ARCHIVES Kerala Legislative Assembly

Motion 20.

MR. K. K. THOMAS (*Koitayam*) : My motion, namely, to reduce the allotment of Rs. 30,140 for Kandukrishi Cutcherries and Nelpuras by Rs. 100, was submitted mainly to request the Government to commute the payment in kind into payment in money.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : The member is out of order. Can he make a speech before moving a motion ?

MR. K. K. THOMAS (*Kottayam*) : I have made reference to this in my speech on the general discussion. It has been sufficiently dealt with by Government also. Therefore, I do not make the motion.

The following motion was accordingly not moved.

MR. K. K. THOMAS :

20. To reduce the allotment of Rs 30, 140, for Kandukrishi Cutcherries and Nelpuras by Rs. 100.

Motions 21 to 22.

The following motions were not moved :—

MR. G. RAMAN MENON :

21. To reduce the allotment of Rs. 2,960 for temporary office staff by Rs. 480.

MR. A. J. JOHN :

22. To omit the allotment of Rs. 9,572 for Assistant Tahsildars and peons.

Motion 23.

MR. N. V. JOSEPH (*Parur*) : I beg to move the following motion:—

23. To omit the allotment of Rs. 9,572 for Assistant Tahsildars and peons.

In moving this motion, I know that the allotment in question is a provision for the continuance of the Land Records Maintenance Department on the existing lines till the end of Tulam 1101, since a scheme for the further working of the Department after that date is under contemplation. The Assistant Tahsildar is a very, very familiar figure not only in this Council but also outside. These Assistant Tahsildars have given very much trouble both to this Council and to the public at large. Sir, I admit that the Land Records Maintenance is a prominent function of the revenue system, and, in the words of the late President of this Council, it is a living organism in itself. True ; but all the difference of opinion centres round the nature, the character, and the practical working of the machinery. With the completion of the last general survey and the settlement began the Land Records Maintenance establishment. The history of this establishment could be divided into three parts :—

(1) 1084 to 1090.
(2) 1090 to the middle of 1096.
(3) 1096 to the present day.

During the first two periods, the Taluk surveyors were the prominent figures. It was after that the Assistant Tahsildars were appointed. In the words of Mr. Robinson himself, the Taluk surveyors were

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. N. V. Joseph.]

playing a prominent part and were tried for a long time under various circumstances and were found wanting. The old order of things was weighed; the whole question was discussed by your predecessor in conjunction with various revenue officers, and, as a result of their wisdom, the present system was brought forth. The public availed themselves of the earliest opportunity to pass their verdict on this system. Year after year, this question came up before the Council, and the members on this side of the House made united, persistent and continued efforts to get rid of these Assistant Tahsildars. The late regime tried its level best to support it by all sorts of arguments possible. I need not go once again through all the reasons advanced by Government in favour of the Assistant Tahsildars and those against by the members on this side of the House. It was discussed threadbare in this Council on several occasions. Now, the system stands condemned by the public, by the Council and by the Government. Since the Government itself admitted that some further scheme should be evolved as the present scheme is not up to the mark, that itself is a confession that there is something wrong with the present system. So, the cries of the members on this side of the House have proved to be correct. Since the Government admit that the present system is not up to the mark, my task is rather easy. Now I know very well that the Government have extended the period of the Assistant Tahsildars by three months more. My submission is that this should not be allowed for more than one reason. Firstly, the present Assistant Tahsilar is a convicted person. It is with great difficulty that we succeeded in getting these persons convicted by the Government. After this conviction, to let him at large on the public is not a safe method. The natural place for him is somewhere else. I am sure, Sir, that if the matter is left to the choice of the public and a referendum is taken of all persons in Travancore without distinction of caste, creed and colour, they will all be prepared to pay Rs. 10,000 more provided these gentlemen do not go to every house. He should not go for the *poramboke* encroachment. Now, this was only a temporary measure. Year after year, the members on this side of the House trusted in the Government abolishing the post. The Government took shelter by saying that the appointment was only for one year. Thrice they attempted this trick and thrice they succeeded. My suspicion is that, after three months the period will be extended.

A committee may be appointed to consider this question. The committee may sit and tackle with the question; but will they submit the report within three months?

THE PRESIDENT: Government have definitely said that they will appoint a committee to consider the matter.

MR. N. V. JOSEPH (*Parur*): The appointment of a committee is certain, but the duration of the committee and the result of the committee's work are uncertain. Suppose the committee does not submit their report before the end of Tulam. What will happen to the Assistant Tahsildar?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Will the member select a committee which will be able to submit a report within a fortnight?

MR. N. V. JOSEPH (*Parur*): If the committee is to consist entirely of the non-officials, I am satisfied.

PRESIDENT: Does the member imply that, because there is one Official member in the committee, the work would be delayed?

MR. N. V. JOSEPH (*Parur*): There is no imputation; since it is asked whether a committee of non-official members would be able to do the work, the burden lies on us to take the work and finish it up.

PRESIDENT: If the non-official members will proceed to elect their trusted representatives who will work on the committee, the work can be proceeded with at once. That is in effect what Mr. Robinson said.

MR. N. V. JOSEPH (*Parur*): Suppose we elect our representatives, and the official members also work with us with the best of intentions. Even then it may happen, Sir, that they do not succeed in drafting the report in three months. I say, even granting the good intentions on the part of both the official and non-official members who work on the committee, there is a contingency of the report not being drafted within three months.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Why should we anticipate all difficulties?

PRESIDENT: The member is a pessimist, I believe.

MR. N. V. JOSEPH (*Parur*): The other side may be too optimistic also. It is a question of opinion.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): We are having a non-official majority on the committee.

MR. N. V. JOSEPH (*Parur*): In that case, will Mr. Robinson assure us as to what will happen?

PRESIDENT: The official member cannot predict what the non-official members may do.

MR. N. V. JOSEPH (*Parur*): Suppose the report is not submitted by the end of Tulam, what will happen in Vrischikam?

PRESIDENT: Government will do as it seems to them best in the circumstances, for the good of the country.

MR. N. V. JOSEPH (*Parur*): So the contingency may happen that the report is not submitted within three months. Therefore an extension of the present system of Assistant Tahsildars may be demanded by Government and the whole thing may go on.

PRESIDENT: Meanwhile, it is time. I have given you two minutes more already.

MR. N. V. JOSEPH (*Parur*): I never knew it; so I did not make use of it. If I had known it, I could have made use of it.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. K. PILLAI (*Karunagapalli*): I rise to support the motion mainly with the view to show to Government the utter unsoundness of the position adopted by them in regard to this condemned and much-suspected scheme of Assistant Tahsildars. (*Louder, please.*) In the speech made by the Financial Secretary in introducing the budget, he says:

"It is recognised that the scheme, as now worked, has certain serious defects and it is looked with considerable disfavour by the general public. Government therefore would like to introduce a revised scheme which will be generally be accep table. This will require funds over and above the amount provided for the first three months....."

It is seen from this that he proposes to go on until the end of Tulam 1101.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I correct him? It was not with the object, that the present system should go on until the end of Tulam, that I am now asking for funds. I simply asked for some funds to carry on the work till the new scheme is actually worked in practice. I hope I have explained it. There is substantial saving under the new scheme. I hope to begin the working of the new scheme soon. I cannot get any money from the Council during the next Session. I therefore want some funds to pay for the work that has to be done till the new scheme is being given effect to.

MR. A. K. PILLAI (*Karunagapalli*): My doubt was, why Government should go on with the scheme if they really recognise that it is seriously defective. If the Governmet do really recognise that the scheme is seriously defective, why should they go on for three months?

Another thing which I cannot understand is that they have not only asked for an allotment to continue the present system till the end of Tulam, but have also provided Rs. 65,947 for continuing the L.R.M. work from Vrischikam onwards. This is a thing which I cannot understand at all. The Assistant Tahsildar, just like Banquo's head, has been making his appearance again and again and these Assistant Tahsildars have been very much attacked time and again. I do not understand why Government should insist that they should continue the work while they themselves say that they have recognised that the scheme was seriously defective and that they do not propose to continue the work on the present lines beyond Tulam 1101. Still, they have allotted Rs. 65,947 for continuing the work. This is a thing which I cannot understand.

The Government have suggested that a committee of officials and non-officials should go into the whole scheme and prepare ways and means to make that work better. If they are only awaiting the report of the committee which is to be constituted soon, then, why they made this provision for Rs. 65,947 is a matter which I, as a layman, cannot understand. I suppose the member on the other side will make that plain.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): With respect to this question much has been said on this side of the House in former years regarding the hardship caused by the operation of the functionary known as the Assistant Tahsildar. I am not going to repeat all that criticism on this occasion.

With respect to the observation from the Chair, that at least one member on the non-official side is a little pessimistic about the scheme to be evolved as to how the Assistant Tahsildar is to be adjusted again in the machinery of Government, I would make one humble submission. We have very great reason to be pessimistic about the matter; for our position is something like the position of the lover in Landor's poem, where the lover says to his sweetheart,

> "You spoke, you smiled and I believed,
> By each word and smile deceived;
> Another man would hope no more,
> Nor hope I, as I did before,
> Yet, let not this last prayer be in vain,
> Deceive, deceive me once again."

That seems to be the experience of this House so far as the Assistant Tahsildars are concerned. Each year Government have been saying that they stand in need of the services of these Assistant Tahsildars only for one year. Thus three years have gone by and now there is yet another provision for continuing the Assistant Tahsildars for another quarter of the next year. Year after year they have been asking for the continuance of Assistant Tahsildars. Now they ask for an extension for three months, and, probably they are beginning to ask for extensions once in three months instead of once in a year as in the past. Hence it is that, on the part of the non-official members, there is well-founded pessimism. If within the time for which provision is made in the budget, the Assistant Tahsildars are not got rid of, there is the question as to whether the Government may not apply for the further continuance of the Assistant Tahsildars. There should arise avoid after Tulam next and before the commencement of the scheme, if any, a suggested by Government. That is the anxiety experienced by this side of the House. If Mr. Robinson proposes to give us a definite assurance that he would get rid of the Assistant Tahsildars, I think, that must be accepted, in spite of all the disappointments on past occasions. Practically, Government also have now admitted the view on the non-official side. So, we are now *agreed*. There is that difference this year, and hence, I say, we are prepared to accept a definite assurance from the Land Revenue Commissioner. I think we may allow the continuance of this most unwelcome sort of functionary for another three months and be done with him after that. There is also some difficulty expressed on the other side. As to the utility and serviceableness of this functionary we are all agreed. That is what I think about this question. I am speaking only on my own behalf at the present instance. All my younger brethren on this side are so much against these Assistant Tahsildars that they are now pulling me, by the sleeves, to sit down.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) Sir, the scheme which I propose is practically to abolish the present staff and to entrust the work to the normal staff of my department. Mr. Kumara Pillai, about a year ago, made the suggestion in this Council that the work of Land Records Maintenance should be carried on by the normal staff, and that is what my scheme practically amounts to. I have got figures here showing the amount of work that has been done in the past and the work that remains to be done; but I doubt whether I will have time for all that. I am given only ten minutes. My scheme really comes to this. I want to transfer all the L. R. M. work to the normal staff of my department. There may be one objection to that proposal, namely, that the work will get into arrears, as it was before this Land Records Maintenance staff was created. My answer to that is that, in olden days, all branches of revenue work were in arrears. But, after the institution of the *Jamabandi* and other measures, all the work is kept up-to-date. Many of the taluks are now quite up-to-date. There is no old application for land registry or anything else pending in some of the Taluk offices. Under my scheme, I want only a small staff, and it will be possible for me to keep the Land Records Maintenance work up-to-date. The advantages are, if there is any complaint about the normal working staff about encroachments, the parties have the advantage of going to the Tahsildars immediately. The Tahsildar is in the centre of the taluks and are easily accessible. They can go to him for *puduval* and other revenue cases also. They also have the right of appeal, against the decision of the Tahsildar, to the Dewan Peishkar who is in the centre of the district and, then, to myself or to Government. At present, the parties have to come down, sometimes from Parur, or somewhere in North Travancore, to find the Land Records Superintendent. There is only one man for the whole State. The party comes down to Trivandrum to see the Land Records Superintendent and finds that he has gone to Quilon. The party goes to Quilon and finds that the Land Records Superintendent has left Quilon and gone to the Cape. The party will get quicker redress for his grievances if he has to go to the Tahsildar and then to the Dewan Peishkar.

Another thing which I have to point out is as regards stone-planting. After the stones are planted, whether they have been properly planted or not, the Tahsildar has to collect the stipulated amount for the number of stones that had to be planted. The Tahsildar has no knowledge of the number of stones actually planted or of any other detail. He gets a list stating the amounts due from various individuals and he has only to collect the dues. At present the Tahsildar is not allowed to interfere at all in the matter. If he interferes he is told by Government that it is not his business to interfere and that he has only to collect the amount due. But, if the normal staff is entrusted with all this work, the Tahsildar will know all the details connected with the question. He will be able to satisfy the people who complain

LIBRARY ARCHIVES Kerala Legislative Assembly

to him about any of these questions. He will know whether the stones have been planted or not. That is the main idea of my scheme. There are other details as regards the preparation of sketches and other matters. All the details will be worked out by the committee. I have already suggested that there should be a non-official majority in the committee; because that would be more acceptable, and they would be able to point out the advantages in the new scheme. I hope they will see that the new scheme is made agreeable to everybody. As regards the length of time that may be taken to begin the working of the new scheme, it all depends on them. If they meet to-morrow and begin to work out the new scheme from the next week, I shall be all the more happy. I now ask for money simply to carry on the work that has already been done, until the new scheme is worked out. A large amount of work has been done. All these records are now with the Land Records Accountants. We cannot disband the Assistant Tahsildars all at once. We have to get from them the records and the instruments that they were using. I, therefore, ask for this sum to carry on the work for a little time until we get the new system into practical working order; and, I think, the other side of the House can select suitable men from among themselves to push through the scheme as soon as possible.

MR. N. V. JOSEPH (*Parur*): May I know whether this House will have an opportunity of discussing the scheme after it has been framed by the Committee?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I could not follow him.

PRESIDENT: Mr. Joseph wants to know whether the House, as a whole, will have any opportunity of discussing the scheme as it may be drawn up by yourself and by the Committee.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I presume that, by next month, we will have the new scheme in working order, and I do not think the Council will meet next month. Certainly, if the scheme does not meet with the approval of the Council, it is open to the members to object to it when we meet next.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Suppose we have a Tulam session of the Council. Would it not be possible to submit the report of the Committee then and avoid the void I referred to?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Probably the new scheme would be in working order by that time and it would be carried on throughout the year. This Council has always the chance of criticising it or suggesting any improvement on it. The amount now asked for is only for carrying on the work for three months; and I hope that, under the new scheme, there would be a big saving and the work is expected to be done by competent men.

PRESIDENT: Your time is up, Mr. Robinson.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): There is a lump sum allotment of Rs. 65,000. We wish to know whether the Council will have an opportunity to examine the scheme as submitted by the Committee, so that the lump sum allotment may be utilised by Government only after the expression of the opinion of this Council about the new scheme.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Suppose we work out the details within the next ten days or a fortnight. The House will not meet at that time. The poor men that work till the Council meets again must get some pay for their work. I, therefore, want some money to carry on the work till then and to pay the men who work till then. When the Council meets again, the scheme may be criticised.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know his proposal with regard to the Assistant Tahsildars, hereafter?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): My idea is to have a better class of men as assistants to the Tahsildars, in his office; not to do the land records work alone, but to go out and inspect *puduval* registry, to inspect the several *pakuthies* and to attend to all branches of the Tahsildar's work. At present there is nobody in the Taluk Office in the place of the old Deputy Tahsildar. The work suffers very much now. I therefore propose to have an assistant for each Tahsildar. I am not going to call him the Assistant Tahsildar, because that name is hated by all. I would call him the Deputy Tahsildar or by whatever name you like. The Tahsildar, at present, has no time to do all the work that he has got to do. He has the Treasury charge for five days in the month. He has to go and inspect the various *pakuthies*, and, if there are 15 *pakuthies* in a taluk, he finds it impossible to cope with the work. In order to get the work properly done he requires an assistant. I am providing for that in my new scheme. I am sure, if I had more time, I would be in a position to explain to the House the various advantages in the new scheme that I propose. I think you should leave it to your own committee to tackle the question.

MR. N. V. JOSEPH (*Parur*): Does Mr. Robinson think that the House will have an opportunity of considering the scheme before it is launched?

PRESIDENT: That will be as the House decides now.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): If we are assured that we would get an opportunity of considering the scheme before it is launched, we can withdraw the motion.

PRESIDENT: The only trouble is, it may not be possible for the House to consider the committee's recommendation during the present session.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*) : We do not want to consider it in the present session itself.

PRESIDENT : If it is to be postponed till the Council meets again, then it means three months will be over and all the men and machinery necessary to run the establishment will, as Mr P. K. Narayana Pillai suggested, be floating in the void. The point is, do you want to create the void immediately or three months hence, or, accept the possibility of the whole thing continuing, for a month or so, beyond the three months till the House gives its verdict.

MR. A. K. PILLAI (*Karunagapalli*) : Will Mr. Robinson enlighten me as to the process by which he came at the figure Rs. 65,947 ?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : Sir, I wanted some money to carry on the work. I arrived at the present figure by dividing the whole allotment by four so as to make a provision for three months.

MR. A. K. PILLAI (*Karunagapalli*) : Will Mr. Robinson enlighten me further whether the question of continuing or discontinuing the Assistant Tahsildar will be within the terms of reference to the Committee ?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : I cannot hear.

PRESIDENT : What Mr. A. K. Pillai wants to know is whether the abolition or the continuance of the Assistant Tahsildar will be within the terms of reference to the Committee.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : The whole question will be before the Committee.

MR. M. N. PILLAI (*Trivandrum*) : May I know from Mr. Robinson what will be the nature of work of these Assistant Tahsildars during the first three months of next year ?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : These new Deputy Tahsildars—I will not call them as Assistant Tahsildars—will be of help to the Tahsildars not only in doing Land Records work———

PRESIDENT : 'The query is, 'What will be their work during the first three months of the next year' ?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : They will continue and will be engaged in the completion of sketches, etc. My ambition is to bring the new scheme in working order as quickly as possible.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : Sir, I wish to make just one observation on this motion. It has been said that the Assistant Tahsildar will be continued for three months pending a revision of the Land Records Maintenance scheme by the Committee and perhaps also for such time as may be needed for taking the opinion of the Council on the new scheme.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I do not think that follows. Suppose the report of the Committee comes up in a fortnight. Then they will not continue.

PRESIDENT: No, the Council will have to consider it and will have to express its opinion on it.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): The opinion of this Council, at least of the members on this side of the House, appears to be, to which I also agree, that whatever scheme may be evolved by the Committee, whether it is good or bad, it is a matter which has to be decided by the Council as a whole; and no steps should be taken by the Government in incurring expenditure of whatever kind unless it has been agreed to by the House. If we do not omit that item from the budget just now, it will have to continue until such time as the presentation of the scheme to the Council.

PRESIDENT: Until the Council pronounces an opinion.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Certainly. My opinion is that, if such a contingency is to happen, the Assistant Tahsildar should not be allowed to continue the reckless methods in regard to Land Records Maintenance. I mean the survey of *porambokes* should be stopped and the existing work of the Assistant Tahsildar so long as he proceeds in accordance with Rule 35 of the Land Records Maintenance Rules should be stopped. He should not be allowed to proceed with records which are already *prima facie* irregular.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Government have already amended Rule 35.

MR. K. PARAMESVARAN PILLAI (*Quilon*): May I know from the member as to how the scheme of Land Records Maintenance can come up before the Council and be discussed?

PRESIDENT: Mr. Changanachery Parameswaran Pillai has raised a nice point as to the form in which the scheme may be brought before the Council.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I think Mr. Robinson may move, in the form of a resolution, that the scheme as accepted by the Committee may be accepted by the Council.

MR. K. PARAMESVARAN PILLAI (*Quilon*): I think it will be a resolution of Government and Mr. Robinson as a representative of Government will be making a recommendation to Government. Any how, it is difficult to understand Mr. Robinson moving a resolution for the acceptance of the Government.

PRESIDENT: Mr. Robinson will be a member of the Committee.

MR. K. PARAMESVARAN PILLAI (*Quilon*): But an official member moving a resolution, I cannot understand.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): In the Madras Legislative Council and in the Legislative Assembly, every day they move resolutions from the official benches.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): Rule 35 says that any member may move a resolution.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I was in possession of the House when Mr. Paramesvaran Pillai suggested the point of order. I wanted just to suggest, and I was about to state the point just now raised by Mr. Changanachery Paramesvaran Pillai as to how the House may be asked to approve of the scheme. In my opinion, Sir, the best way to ask the opinion of the House will be by asking for a supplementary grant under Land Records Maintenance work detailing the items of expenditure to be incurred under particular heads such as officers, contingencies, etc. In the budget, there is only a lump sum allotment instead of a detailed allotment. The new scheme, as it is intended to be worked, will have to be shown in detail and placed before the House by the Revenue Commissioner in the shape of a supplementary demand. There will only be an appropriation of the amount already sanctioned in the lump sum allotment which we now pass to-day; so that there will be nothing irregular in asking for a grant in respect of the Land Records Maintenance work especially when we pass to-day the lump sum allotment. So then there will be no difficulty and the entire scheme as it is to be worked may be placed before the House and considered by it.

MR. K. PARAMESVARAN PILLAI (*Quilon*): May I know whether it will be open to Government to ask for a supplementary grant in respect of a grant which has already been sanctioned by the Council?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): The supplementary grant will give us details. The amount that is now provided is only a lump sum allotment. Government want us hereafter to appropriate that amount in a particular manner which cannot be determined or foreseen at present; and I do not see any rule or standing order prohibiting such an arrangement. As a matter of fact, we have got a precedent as well. Dr. Kunjan Pillai incurred expenditure out of money already sanctioned and came to this House for a supplementary demand for the money already covered by the grant. There is nothing irregular in that procedure and I do not see any difficulty in that whatever. At any rate, whether by means of a supplementary demand or by a resolution, as the case may be, the opinion of this House has to be ascertained before the scheme is given effect to.

MR. N. V. JOSEPH (*Parur*): Sir, my object in moving this motion was to impress upon the Government as to what the opinion of the people about the Assistant Tahsildar is. We are really thankful to Government for saying that they will reconsider the question and that, before launching any new scheme, they would take the approval of the House also. The President has given us an assurance that the opinion of this House also would be taken before it is given effect to. I therefore withdraw my motion.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Sir, may I suggest that the members of the Committee may be elected to-day?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): We will elect the members to-morrow.

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT: What I am going to say is that this is the first piece of constructive work the Government are asking the non-official members to undertake. Mr. Robinson will do nothing more than present the skeleton of the work to be undertaken by the Committee. But to fill up that skeleton or construct a new scheme will be a matter in which you will have a free hand. As such, the scheme will be worked out strictly by non-official members of the Council for which they will accept full responsibility and it will be very interesting to see how the non-officials shape a piece of official machinery. (*Hear, hear.*)

I take it that the House permits Mr. Joseph to withdraw his motion.

The motion was, by leave, withdrawn.

Motions 24 to 33.

The following motions were not moved:—

MR. G. PARAMESVARAN PILLAI:

24. To reduce the allotment of Rs. 1,11,360 for Land Records Establishment by Rs. 100.

MR. T. KUMARA PILLAI:

25. To reduce the allotment of Rs. 1,11,360 for Land Records Establishment by Rs. 100.

MR. K. P. NILAKANTA PILLAI:

26. To reduce the allotment of Rs. 1,11,360 for Land Records Establishment by Rs. 100.

MR. G. RAMAN MENON:

27. To reduce the allotment of Rs. 1,11,360 for Land Records Establishment by Rs. 100.

MR. G. RAMAN MENON:

28. To reduce the allotment of Rs. 23,426 for Field Establishment by Rs. 480.

MR. T. KUMARA PILLAI:

29. To reduce the allotment of Rs. 4,120 for travelling allowance by Rs. 1,000.

MR. K. MADHAVAN PILLAI:

30. To reduce the allotment of Rs. 68,270 for Revenue Survey by Rs. 100.

MR. G. PARAMESVARAN PILLAI:

31. To reduce the total allotment of Rs. 8·60 lakhs under Demand I by Rs. 100.

MR. K. I. JOSEPH:

32. To reduce the total allotment of Rs. 8·60 lakhs under Demand I by Rs. 100.

MR. N. V. JOSEPH:

33. To reduce the total allotment of Rs. 8·60 lakhs under Demand I by Rs. 100.

PRESIDENT: I now put to the vote of the House the grant of Rs. 8·60 lakhs *minus* Rs. 100 under Demand I—Land Revenue.

The grant was made.

The Council adjourned at 5-12 P. M. to meet again at 11-30 A. M. the next day.

T. P. RAMASUBBA AIYAR,
Secretary to the Legislative Council.

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